

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, July 28, 2016

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Tim Greenwood, Chairperson of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:00 pm. and asked for the Roll Call.

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

Absent For Roll Call: Mr. David Minard

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

Chairperson Greenwood explained how the meeting will be conducted.

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

Approval of the June 23, 2016 Minutes

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

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

No: None.

Abstain: Mrs. Taylor and Mr. Hazlett.

Motion carried.

Case #BZA-2016-13 ~ Property Owners/Applicants: Paul & Susan Packer ~ Location 6300 Plateau Drive ~ Moorefield Township

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Allan Neimayer, Senior Planner, stated the Property Owners/Applicants are Paul and Susan Packer. The subject property is located at 6300 Plateau Drive in Moorefield Township. This is a variance request to reduce the side yard setback from 25 feet to 16 feet to construct a detached garage. The property, Lot # 50 of the Plateau Acres Subdivision, is 1.65 acres.

Mr. Neimayer explained Chapter 8 Section B, 3 of Clark County Zoning Regulations allows a detached garage in a side yard as long as it meets the side yard setback for the principal building. Under A-1 zoning this side yard setback is 25 feet. The detached garage as proposed would leave only 16 feet to the side lot line. Hence the Applicants have filed this variance request.

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

Minutes

Clark County Board of Zoning Appeals

Hearing no questions, Chairperson Greenwood opened this portion of the public hearing at 2:05 pm. and asked if anyone would like to speak in favor of the case.

Mr. Paul Packer, Property Owner/Applicant, 6300 Plateau Drive, stated that shrubs and un-level land are the reasons for the placement of the garage. Otherwise the garage would be too far from the home.

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 2:07 pm. and asked for discussion among the Board.

Mr. Hazlett stated he sees no issue with this request. He thinks it is a good place to put it.

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

Action on #BZA-2016-13 ~ Property Owners/Applicants: Paul & Susan Parker ~ Location 6300 Plateau Drive ~ Moorefield Township

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

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

No: None.

Motion carried.

Request for Executive Session

Motion by Mrs. Taylor, seconded by Mr. Smith to go into Executive Session.

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

No: None.

Motion carried. Time Out: 2:08 pm.

Chairperson Greenwood noted the Time In at 2:25 pm.

Case #BZA-2016-11 ~ Property Owner/Applicant: Alan Bayard ~ Location 5849 Garrison Rd. ~ Mad River Township

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the Property Owner/Applicant is Alan Bayard. The subject property is located at 5849 Garrison Road in Mad River Township. Mr. Neimayer explained Chapter 8, Section H, 6, of the Clark County Zoning Regulations state constructing a recreational pond requires a zoning certificate, and a recreational pond shall not be constructed on a lot that is less than five acres. After the

Applicant began constructing a pond on the subject property, a zoning complaint was made that the pond was being constructed without a zoning certificate first being issued.

After confirming construction activity, the Applicant was informed of the violation by letter dated April 13, 2016. A site meeting was held on April 25, 2016 between Terry Shaffer, Code Enforcement, Jereme Best, Clark Soil and Water Conservation District, and the Applicant. Pond regulations were reviewed with the Applicant and sample engineering information was sent to the Applicant. The Applicant checked with the Health Department who indicated the pond would not interfere with the existing leach field. On May 10, 2016 Staff sent a letter to the Applicant reminding him of the unresolved zoning issue. The Applicant filed the variance application on June 20, 2016. Mr. Neimayer then called on Jereme Best, Clark Soil and Water Conservation District, to review his comments on this matter.

Mr. Jereme Best, Clark County Soil and Water Conservation District, 3130 East Main Street, stated that the pond was constructed without a permit and does not meet the five-acre minimum. Through the use of aerial photos, it is shown that there was not a pond on the property in 2014. The drainage area consists of a 385-acre watershed. Mr. Best explained the Clark County Soil Survey notes an intermittent drainage pattern in the area and the Applicant's pond is right in the middle of that drainage pattern. The pond is currently just over 1/10 of an acre with a depth at around four feet. The Applicant wishes to expand the pond to around ¼ of an acre and eight feet deep. The pond's exit channel would remain the same.

Mr. Best stated the placement of fill, with a lot size of a little over two acres, makes it difficult to not disturb the leach area. Suitable fill on the downstream side of the pond is required to prevent damage from storms. The proposed outlet structure does not meet the required size for a 25-year storm as required by our Zoning Regulations. The Applicant would like to place a fish net across the pond. Mr. Best does not recommend such a net because it would cause debris to get caught in the structure and the design of the pond would cause water to swell over the net. Any debris that would accumulate in the structure would need to be maintained.

Mr. Best proposed two questions for the Board to consider. The first is whether the proposed pond will affect the surrounding neighbors? The second is can the pond be installed to meet the zoning requirements without meeting the five-acre minimum?

Mr. Best asked for questions from the Board.

Mr. Smith asked if the five-acre minimum is to ensure room for the discarded soil.

Mr. Best responded it does not mean that a lot less than five-acres cannot have a pond. Rather, it would require stringent review. Due to the size of the watershed and the amount of water impoundment, it is not a good idea to put a pond in the stream channel. Mr. Best stated a pond could be located on a property of this size, but it should be located to the side of the stream channel so you do not have to worry about debris and excessive run off. Is there enough room on the Applicant's property? Mr. Best does not believe so. Because the stream channel has already been dug out, you cannot place fill back into the channel without creating downstream hazards.

Mr. Neimayer added the five acres minimum regulation was arrived at taking into account enough room for a house site, an accessory structure, well, septic and leach field and reserve leach field areas.

Mrs. Taylor asked for clarification that if the Board does not approve the variance request it would not be recommended to fill it back in. Mr. Best responded because the pond is within the stream channel, it will fill itself in over time from natural siltation if not maintained. If the Board denies the variance request, he recommends putting a final grading on the property and let nature take its course.

Hearing no further questions, Chairperson Greenwood opened this portion of the public hearing at 2:54 pm. and asked if anyone would like to speak in favor of the case.

Mr. Alan Bayard, Property Owner/Applicant, 5849 Garrison Road, stated that the dam was already on the property as was a swim-hole pond. Mr. Bayard stated he didn't know enlarging the foot-print of a pond requires a permit. He said that neighbors have provided letters in favor of the pond.

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.

Mrs. Kathy Estep, 1220 Meadowlark Drive, Mad River Township Trustee, stated that the Board has already received a letter from the Trustees requesting that the variance be denied. The issue was discussed at the Trustee's July 5, 2016 meeting and three reasons were reached. Zoning regulations require a zoning permit prior to construction. Enlarging a pond also requires a zoning permit. Also zoning regulations indicate that there is a five-acre minimum. The subject property at 2.6-acres is significantly lower than five acres.

Mrs. Carol Culbertson, 5825 Garrison Road, stated that she is the adjacent owner to the north. She has lived on Garrison Road for 11 years and the area is prone to flooding. She stated that three times her basement has flooded. Any change to the pond will have a negative effect on her property. Also the pond was constructed without permits or proper variance. Mrs. Culbertson explained there was not an existing pond prior is her first concern. Her second concern is that the pond was constructed in a poor location without proper permits or variances. The third concern is alteration to the leach bed. The fourth concern is the proximity to farmland. The fifth concern is the maintenance of the pond is different than that of a creek. The sixth concern is the drastic altering of the flow of the stream. The seventh concern is that the water level of the creek is lower than in previous years. The eighth concern is that the type of pond that has been constructed runs counter to the type that has been laid out in the zoning code.

Mr. Greg Flax, 1 South Limestone Street, stated that the Applicant has 2.6 acres, far less than the five-acre minimum. Also the Applicant constructed the pond without a permit, without a variance, and without engineering. The pond appears to be problematic to the neighbors of the Applicant because of the amount of maintenance required.

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.

The Applicant's engineer, Mr. Ryan Hillard, 7667 State Route 55, spoke. The five-acre requirement was put into the zoning code to require such oversight of construction of a pond on a plot with fewer than five acres. The variance process is more of a review. He believes there was no mal-intent by the Applicant, but rather to create a structure that does not affect the water flow. Mr. Hillard then introduced Vince Chrisman, a veteran pond design official and former Soil and Water Conservation District employee of Fayette County who consulted on this engineering project.

Minutes

Clark County Board of Zoning Appeals

Mr. Vince Chrisman, 1874 Capps Road, was called in to assist in the engineering of this project. He stated this is a "hole in the channel" and would not have recommended constructing a pond in the stream channel.

Chairperson Greenwood closed this portion of the public hearing at 3:25 pm. and asked for discussion among the Board.

Motion by Mrs. Taylor, seconded by Mr. Hazlett, to approve the variance request as presented. Chairperson Greenwood called for discussion on the motion. Mr. Smith requested an Executive Session. Mrs. Taylor then withdrew her motion.

Request for Executive Session

Motion by Mr. Smith, seconded by Mr. Hazlett, to go into Executive Session.

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

No: None.

Motion carried. Chairperson Greenwood noted the Time Out at 3:26 pm.

Chairperson Greenwood noted the Time In at 3:42 pm. He asked for a motion from the Board.

Action on #BZA-2016-11 ~ Property Owner: Alan Bayard ~ Location: 5849 Garrison Road ~ Mad River Township

Motion by Mrs. Taylor, seconded by Mr. Hazlett to **Approve** the Variance request as presented.

Chairperson Greenwood asked for discussion on the motion.

Mrs. Taylor expressed her concerns with the 5-acre minimum, changes in drainage pattern, the natural channel that was disrupted and the effects on the surrounding property owner not well addressed. She recommends that, if the variance request is denied, the Applicant work with Soil and Water Conservation District to restore the property.

Mr. Hazlett concurred with Mrs. Taylor. Had the proper procedures been followed this could have been a nice project. He agrees that the Applicant needs to work with Soil and Water in restoring the property.

Hearing no further questions or comments from the Board, Chairperson Greenwood asked for the roll call.

VOTE: Yes: None.

No: Mrs. Taylor, Mr. Hazlett, Mrs. Riggs and Mr. Smith.

Motion failed. The variance request is denied.

Minutes

Clark County Board of Zoning Appeals

Case #BZA-2016-09 ~ Property Owner: Larry Berner ~ Applicant: LJGA Investments, LLC. ~ Location 525 Tremont City Road ~ Moorefield Township

Chairperson Greenwood asked for a motion to remove this case from the Table.

Motion by Mr. Smith, seconded by Mrs. Riggs, to remove Case #BZA-2016-09 from the Table.

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

No: None.

Motion carried.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated this is a request for Conditional Use approval under Chapter 7, Section 129 for a sand and gravel mining operation. The subject property consists of two parcels. The parcel ending in -024 (525 Tremont City Road) being just over 85 acres and the parcel ending in -018 being just over 45 acres. The total area to be mined is just over 96 acres. Because floodplain is associated with the subject property, a Floodplain Development Application will be required and the Applicant is aware of that if the conditional use request is approved.

Mr. Neimayer stated the CROSSROADS Land Use Plan identifies future land use of the property and surrounding area east of US 68 as Mixed Industrial and Community Commercial. Current zoning does allow for mining excavation. Included in the Board's packet is a letter from Mr. Jim Bodenmiller, City Manager, City of Springfield. The city does not object to the proposed mining operation as long as monitoring wells are installed due to the proximity of the city's well field protection area. The Applicant has indicated they will comply with the city's request.

Included in the Board's packet is a follow up letter from Mr. Jim Peifer, attorney representing the Applicant, on the conditional use criteria for a mineral extraction operation. Also, there is a separate letter from the Applicant dated April 2, 2016. There are various letters from the Technical Review Committee Agencies. Although some of those letters are dated from 2014, Mr. Neimayer was instructed by the respective agency to use that letter because the same comments are still applicable. Mr. Neimayer stated that he received a copy of a letter to Mr. Peifer from the Regional Air Pollution Agency and would let Mr. Peifer comment on this. Mr. Neimayer stated that he would answer questions the Board may have at this time.

Hearing no questions, Chairperson Greenwood opened this portion of the public hearing at 3:54 pm. and asked if anyone would like to speak in favor of the case.

Mr. Jim Peifer, attorney representing the Applicant, 20 S. Limestone Street, stated that there is a lot of data on file in regards to the requirements of the application being that this is an older case. Mr. Louis Green is the principle of LJGA, LLC., as well as the Applicant in the case. A representative of the operator, Miami Valley Top Soil, Richard Welsh is present along with Larry Berner, property owner. Mr. Peifer noted the Board has significant narrative and will not repeat that unless the Board wants him to but would like to incorporate that into the record.

This is a request for conditional use for a sand and gravel extraction operation to be located on farmland between the old and new US 68, and west of and abutting the West Central Ohio railroad line. The conditional use is a permitted use in an industrial district. Mr. Peifer reviewed the current zoning districts and land uses of the immediate area. There is a single residence (owned and

occupied by the Enlows) located on the north side of Tremont City Road, within the industrial area. Also there is a residential structure on Mr. Berner's property (parcel ending in -024) that is no longer occupied.

Mr. Peifer spoke on the City of Springfield's comment letter in regards to the city's wellfield protection area in respect to the subject property. The city has asked the Applicant to install monitoring wells as directed by the city, and the Applicant has agreed to do so.

Mr. Peifer then spoke on the County Engineer's comment letter. He noted that after the reclamation plan has been approved by ODNR, this will come back to Staff for review at which time the County Engineer's Department will look at issues like increased traffic on Tremont City Road. The Applicant is aware that no (zoning) permit will be issued for actual operation until ODNR approves the reclamation plan.

Mr. Peifer stated that sand and gravel (operations) are absolutely critical to the economy of the community. Its materials are used in roads, construction of buildings and all kinds of applications. He spoke in regards to location of a major operation on the west side of Clark County next to I-70 and I-675 and how the subject property is an ideal location for Clark County and the surrounding environment.

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

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

Mrs. Julie McLean represents Turn All Machines at 5499 Tremont Lane. Our attorney Mr. Lagos is here and he will speak further. There are lots for sale east of Turn All who believes the proposed sand and gravel operation will impact their property value and of those lots for sale. She expressed concerns with increased traffic noting heavy traffic at the intersection of Tremont City Road and Urbana Road during shift change at Navistar. She also spoke of concerns with the water table and dust from the proposed operation causing damage to Turn All's equipment. She believed a comment was made to the Board that Turn All has some sort of air filtration system. That is not true.

Mrs. Judy Enlow and Mr. Stephen Enlow, 518 Tremont City Road, live in the home directly across from the subject property for 27 years. Mrs. Enlow stated they both have health issues and expressed concerns over health hazards, dirt and dust, associated with the sand and gravel operation. She is concerned with their well water, what will happen to it, as well as the City of Springfield's water supply. She noted there is a bike path that runs along (parallel to) the subject property. She stated this case has been ongoing since 2014 and believes there have been numerous errors made on the application. The Enlows showed photos of their property to the Board; these photos were not submitted for the record.

Mr. Enlow asked the Board, How would they like to live across the street from a sand and gravel business with the prevailing wind coming your way?

Mr. Thomas H. Lagos, 750 Shrine Road, attorney representing the Enlows and Turn All Machines, spoke on filing deadlines, new information that was filed yesterday (letter from Regional Air Pollution Control Agency) and why that is important. There have been numerous hearings on this case and the story keeps changing as to who the operator will be. He noted the current named operator (Miami Valley Top Soil) did not speak. Mr. Lagos stated the Board knows the operator's name but no

information about the operator. He questioned the relevance of the new information submitted yesterday and whether there is a new operator.

Mr. Lagos stated there is a lack of information about the listed operator, besides the name of the operator. He spoke of Miami Valley Top Soil, LLC., being a relatively new corporation – 2014 – and just filed their required annual operation report.

Mr. Lagos commented on a pending disciplinary action against Mr. Green (Applicant), but did not have specific information regarding this matter.

Mr. Lagos then questioned whether the material from the sand and gravel operation would stay in Clark County or go to the Columbus area. The Board heard before that the material would not be used locally, but would be transported to the Columbus area using rail. That was downplayed today. There was comment on lack of additional operations permitted and ready to go. Mr. Lagos noted there is one on Baker Road.

Mr. Lagos next spoke on items from the comment letters from Clark County Department of Utilities, Clark County Engineer's Department, and the Clark County Combined Health District.

Mr. Lagos comments the Board does not have enough information to make a decision.

Mr. Lagos referenced comment letters objecting to the sand and gravel operation that the Board received in 2014 (Case #BZA-2014-12; withdrawn on 9-24-2014). Those who objected in 2014 did not realize that they had to submit new letters for the current case - #BZA-2016-09. Mr. Lagos submitted the following 2014 objecting letters: Turn All Machine and Gear; Wepuko Pahnke Engineering; and Tool Tech Inc.

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. Peifer stated the new information submitted does not relate to this application. It relates to a concern that has been expressed about risks and dangers this will do to the manufacturers on the other side of the railroad tracks. Mr. Peifer reviewed with the Board a sand and gravel operation on Orchard Lane in Greene County to show that a sand and gravel operation and a precision manufacturing business can successfully operate next to each other. Mr. Peifer reviewed the proposed operation, which is a wet sand and gravel operation.

Mr. Peifer stated there have been operator issues that have caused delays on the project. The zoning code calls for the operator to be named. However, many operators do not want their identity disclosed. The current operator (Richard Welsh of Miami Valley Top Soil) has been associated with Watson Sand and Gravel Company and is under a new LLC. Mr. Peifer spoke on Mr. Welsh's background in the sand and gravel business.

Mr. Peifer stated that Mr. Green (Applicant) was involved in a matter fifteen years ago in connection with his engineering and surveying background and not associated with the subject property. Mr. Green was dismissed from that proceeding. If it still appears, it would be a clerical error.

Mr. Peifer acknowledged that he did not raise the Columbus by rail issue. There are a number of issues he did not raise as they are addressed in the narrative that the Board has. He reminded the Board that at the first hearing Mr. Louis Agresta, Secretary/Treasurer for the West Central Ohio Port Authority who owns the rail, spoke in favor of this sand and gravel operation. They are very interested

in the rail being used. Mr. Peifer spoke of the possibility of a spur being placed to facilitate the use of rail.

Mr. Peifer noted the Navistar Plant is close to the subject property. There has been no indication from Navistar that they have any problems to this proposed use. He reminded the Board that the area is an industrial area. There are a number of industrial uses that the Board would not see that could have far more onerous type of activity than a sand and gravel operation.

Mr. Peifer stated in regards to the Clark County Engineer's letter, he believed they have indicated they do not have a problem with this proposed use. They point out data they will need to review and we will provide that to them.

In regards to the letter from Charlie Patterson, Clark County Health Commissioner, Mr. Peifer believes the submitted narrative addresses that question. If something were to happen on US 68, there are a number of barriers for anything in that spill from getting over to the area we are talking about. US 68 is itself a barrier.

Mr. Peifer thought that Turn All Machines had a special type of (air screening) equipment. He acknowledged they do not.

Mr. Peifer referenced the Tool Tech and Wepuko letters from 2014. He stated the Tool Tech letter is from the owner who lives near an operation close to Bellfontaine that is a limestone quarry, a completely different operation. Mr. Peifer stated it has blasting and rock crushing which is different than the proposed operation. Mr. Peifer stated according to the 2014 letter he thought Wepuko might think the proposed operation is like a stone quarry also.

Mr. Peifer introduced Richard Welsh of Miami Valley Top Soil, LLC, who will be the operator. Mr. Richard Welsh, 2150 Welsh Lane Hamilton, OH, stated he has been a general contractor for 20 years. He entered into a partnership with Rodney Watson two years ago. Mr. Welsh has been directly involved with mining operator since 2007. The reason for late filing with ODNR was due to required aerial photography. He stated that he was in contact with ODNR.

Mr. Larry Berner, Subject Property Owner, 4823 River Road, stated that he is the owner of the property in question along with two of his sisters. Their father originally purchased the property. They have farmed the land since purchasing it. In his opinion the land is not very suitable for farming. One year they did not farm the land due to it being too wet. Mr. Berner spoke on the zoning of the area and allowed uses. In regards to comments about dust raised by Mrs. McLean (Turn All Machines), Mr. Berner stated farming would create a similar situation for the area. He stated there are other city lots where there are gravel pits and there are no problems. The city does not have a problem with this proposed sand and gravel operation. As for lack of information about the operator, he said that information was never requested. If the Board wants that information, we will provide it.

Mr. Peifer, stated in response to the gravel pits in Springfield, those located elsewhere in the city are up to code, have proper permits and licensed. He stated the Baker Road operation is smaller than the proposed site. It is nice to have, but does not take care of the total need of sand and gravel operations in the county.

Mr. Lagos requested to rebuttal. The Board granted Mr. Lagos' request and stated it would also allow Mr. Peifer an additional rebuttal. Mr. Lagos agreed.

Mr. Lagos, stated that the co-ownership of the property with Mr. Berner and his sisters should have been disclosed in the application. Mr. Lagos then pointed out in reference to earlier conversation concerning a body shop. He stated a body shop would also require a conditional use. Mr. Lagos stated the potential of the Baker Road gravel pit is greater than the acreage Mr. Peifer stated. Mr. Lagos stated the Applicant acknowledged the sand and gravel operation will negatively impact the Enlows (Mr. Lagos' clients) and surrounding manufacturers.

In rebuttal, Mr. Peifer stated that the proposal is appropriate for the land and is the best and least offensive use.

Chairperson Greenwood closed this portion of the public hearing at 5:00 pm. and asked for discussion among the Board.

Request for Executive Session.

Motion by Mrs. Taylor, seconded by Mr. Smith, to go into Executive Session.

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

No: None.

Motion carried. Chairperson Greenwood noted the Time Out at 5:00 pm.

Chairperson Greenwood noted the Time In at 5:19 pm. He asked for discussion from the Board.

Mrs. Taylor stated she felt badly for the Enlows but there are very few properties affected. She said she did not feel that the industrial businesses could not live and work harmoniously with the sand and gravel operation. Mrs. Taylor stated concerns about the aquifers. She noted in one year if the operation is not maintained properly, the Conditional Use approval can be revoked. She believes the safeguards that are in place will protect both the environment and natural resources and add value to the community.

Mr. Hazlett concurred with Mrs. Taylor's opinion in terms of the safeguards in place.

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

Action on #BZA-2016-09 ~ Property Owner: Larry Berner ~ Applicant: LJGA Investments, LLC.~ Location 525 Tremont City Rd ~ Moorefield Township

Motion by Mr. Smith, seconded by Mr. Hazlett, to **Approve** the Conditional Use request as presented.

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

No: Mrs. Riggs.

Motion carried.

Minutes

Clark County Board of Zoning Appeals

Staff Comments

Mr. Neimayer stated the next scheduled meeting is Thursday, August 25, 2016.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 5:25 pm.

Mr. Tim Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary