Regular Meeting Thursday, September 26, 2013 Springview Government Center 3130 E. Main Street Springfield, Ohio 45505

Mr. Jack Spurlock, Acting Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:00 p.m.

Present: Mr. Jack Spurlock, Mr. Don Wallace, Mr. Rick Smith,

Mr. David Minard, Alternate

Absent: Mr. Jeff Horne, Mr. Tim Greenwood

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

interested persons.

Acting Chairperson Spurlock asks if there are any comments regarding the minutes. Hearing none, he asks for a motion to approve the minutes.

BZA: 8-54-2013: Minutes ~ August 28, 2013

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

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

Motion carries.

Acting Chairperson Spurlock 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 Spurlock asks the Board if anyone needs to abstain.

Mr. Wallace comments he will need to abstain from Cases #BZA-2013-22 and BZA-2013-28, Cory Wise, as far as voting. He will not cast a vote if there is a tie on this case.

Acting Chairperson Spurlock asks the Staff to present the first case.

BZA: 8-55-2013: Motion to remove Case BZA-2013-22 from the Table

Motion by Mr. Smith, seconded by Mr. Minard to remove case BZA-2013-22 from the table.

VOTE: Yes: Mr. Smith, Mr.Minard, and Mr.Spurlock *Motion carries.*

Mr. Wallace removed himself from the Board

BZA-2013-28: Conditional Use Case ~ Cory Wise ~ Located at 9995 New Carlisle Pike ~ Bethel Township

Mr. Neimayer, Senior Planner explains that the Applicant is requesting a Conditional Use to allow a landscaping business in the A-1 District. Also, the Applicant is requesting a Variance to increase the maximum size of an accessory structure to build a 60 ft. by 120 ft. pole barn to be located in the front yard – a corner lot. The subject property is zoned A-1 (Agricultural District) and is located at 9995 New Carlisle Pike in Bethel Township.

CLARK COUNTY ZONING REGULATIONS

Chapter 7, Section 139:

- 1. Zoning District where permitted as Conditionally Permitted Use:
 - a) A-1 Agricultural District
- 2. Minimum Lot Size: One (1) acre.
- 3. Minimum Frontage: One Hundred Fifty (150) feet.
- 4. Minimum Yard Requirements:
 - a) Front Yard: Fifty (50) feet. [eff: 3-29-90]
 - b) Side Yard: Thirty (30) feet.
 - c) Rear Yard: Fifty (50) feet.
- 5. Structures used for Garden Centers and Greenhouses shall be a minimum distance of:
 - a) One hundred-fifty (150) feet from any dwelling.
 - b) One hundred (100) feet from any "R" District.
- 6. The site shall have adequate access onto a hard surfaced state highway, or county or township road, that is regularly maintained and adequate to handle the additional traffic generated by the use.

- 7. Adequate parking shall be provided so as not to interfere with vehicular traffic on adjacent thoroughfares.
- 8. The applicant shall demonstrate that the proposed operations will not be detrimental to the vicinity or surrounding properties.
- 9. No repair facilities shall be permitted.
- 10. All equipment used in the operation of Garden Centers and Greenhouses shall be maintained, and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
- 11. All exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any adjoining property.

Mr. Neimayer stated the property is not part of a subdivision. When lots were split out through the lot split process, the owner at that time placed land use restrictions on the properties. They stated the properties were only to be used for residential purposes and there were restrictions on the size of an accessory structure. The case was tabled so that the Applicant could work through that with the surrounding property owners. Included in the packet given to the Board is a copy of the Amended Protective Covenants similar to a subdivision to review. There are two cases and it is necessary to act on the Conditional Use first, on land itself and then the size of building.

Mr. Neimayer also stated that at the Technical Review meeting it was suggested by the Health District that the site would work better if they were to move the barn on the northern part and the parking on the southern part. In the initial review due to the soils and topography, it would be more conducive to put them there when considering placement of the leach field. This would still have to be followed up by zoning permit.

Mr. Neimayer asks if there were any questions from the Board at this time.

Acting Chairperson Spurlock asks if the amended covenant solves all the issues of the covenant in order to proceed.

Mr. Neimayer stated it is addressing the use of the property that would allow for this type of use and the size of the building. It does not remove having to go through the zoning process.

Acting Chairperson Spurlock asks if there are any further questions. There were none.

Acting Chairperson Spurlock opens this portion of the public hearing at 2:08 pm. He asks if there are any proponents wishing to speak in favor of the case.

Cynthia Hill, whose address is 3540 Harmeling Drive, stated that Wise Landscaping has rented from her at her father's property for five years. Prior to that, the property was vacant for a very long time. Wise landscaping has been tremendous in helping the family maintain the property. Everything is kept neat and orderly. They communicate with us

well. Their equipment is well-maintained and kept inside. They are great people and a great family. They would be great neighbors.

Acting Chairperson Spurlock asks if there is anyone else to speak in favor. There were none.

Acting Chairperson Spurlock asks if anyone would like to speak in opposition.

Beryl McNabb, whose address is 9908 New Carlisle Pike, presented 4 letters that have been signed by neighbors that could not be here, also in opposition. He built his home in 2003 in the country to live the country life and stay away from businesses. He stated he especially doesn't want to look at a 7200 Sq. ft. building right across the street from his house. He asked where all the large vehicles will be parked and storage of supplies. He is concerned that this would have a negative impact on property values. If the property is allowed to be zoned for business, what happens if they go bankrupt or they leave. There is concern that there will be additional traffic and crime.

Mr. McNabb also stated that piles of mulch could have a negative smell. The proposed location of the well sits right on top of a natural aquifer. He is concerned due to increased water usage that it could deplete the neighboring properties water supply. There was some concern of chemicals and/or diesel fuel leaking into the water

Mr. McNabb also stated that about a month ago Cory Wise hosted a dinner party for all the people in covenant. The neighbors on the other side of the street were not invited. When Mr. Wise was asked why, he responded that they did not count. He also stated he heard that those who wanted to be on the side of Mr. Wise would be paid \$1000 and that Wise Landscaping would mulch their properties next year for free.

Acting Chairperson Spurlock asks if anyone else would like to speak in opposition of this case.

James Moore, whose address is 9954 New Carlisle Pike, stated he built his house 35 years ago. We have a nice neighborhood and I have grandchildren and worry about quality of the water. He stated he is 100% against this.

Marvin Booher, whose address is 9819 New Carlisle Pike, stated he built house in 1993. When he bought property his lawyer found the covenant. He wanted to be in a residential area. He stated if Mr. Wise has a problem with the covenant, he should be upset with his lawyer who did not find the covenant on the title search. Mr. Booher said that he was at the covenant meeting when Mr. Wise stated that he would pay those that voted his way and also provide free landscaping. Mr. Booher also was concerned about fertilizer being stored in bags and possibly blowing up. There was also concern about having a big empty building next door if company leaves. He stated he did not take the \$1000 offered at covenant meeting, he was one member that voted no.

Cory Wise, Applicant, whose address is 9995 New Carlisle Pike, stated that he would like to respond to the issues that have been brought up. He stated that there should not be a

large influx of traffic due to the nature of the business. Usually, if you add a building to a property the property value will go up. Chemicals are stored out of weather and on pallets and have to be stored according to EPA guidelines. Theft should be a non- issue. There has never been a problem in the past. The view from adjacent properties is an issue. We have agreed to plant trees to try to minimize any negative view. Organic mulch does not smell and we would not have large quantities at any one time.

Mr. Wise stated he bought the house to live there and raise a family. He also wanted a very short commute to work. Having someone live on the premises would also deter theft. The well is necessary because the plan is to put a restroom in the barn. The well would also be used to fill water tanks in trucks. We do not plan to use an extreme amount of water. EPA requires fuel tanks to be double walled, there would be no leaking of fuel from the trucks.

Mr. Wise also stated that a dinner party for those in the covenant was held at the New Carlisle Fitness and Sports Center. When asked why the other neighbors across the street were not invited, I did not mean that those neighbors did not matter. I meant that they did not count as far as getting the covenant changed. They would have their forum at the public hearing. Money was offered at first, we did not pay anyone and the cash that was withdrawn was deposited back into the bank.

Mr. Wise also responded to the statement that there were no plants to be grown on property. There might be a time that there is a need to stage plants on property when working on big jobs. The business is not a nursery, but one of installing landscaping. The business has reduced their carbon footprint significantly and wants to run a green and more efficient operation. Mr. Booher asked why are they taking the issue of the covenants out on us. Mr. Wise stated that he does not want to and if he did know about the covenants he would not have bought property. He stated he is not a quitter and is trying to deal with the hand he has been delt.

Mr. Wise also stated he does not want to disrupt anyone's way of life. The proposed building would be very easy to hide with trees. I have said that I would like to be the largest landscaping company in SW Ohio. I do plan on my business growing aggressively. He asks if the Board has any specific questions.

Mr. Spurlock asks if covenant amendments take care of everything so that this case can move forward.

Mr. Wise replied yes, the change required 60% approval to which is what they had.

Mr. Smith asks Mr. Wise if he is willing to do some landscaping/planting to hide the building.

Mr. Neimayer responded that the Board could make this a condition of the Conditional Use.

Mr.Smith asked where there would be another access road to the property.

Mr. Neimayer reminded the Board members that any additional access roads would have to be approved by the County Engineers.

Mr. Wise stated that he is maintaining his property. The 4 acre field has been mowed once. The one acre lot around the house is also maintained.

Mr. Booher asked the Board not to believe everything Mr. Wise says as gospel. All other covenant members mow all 5 acres of their properties.

Mr. Wise stated he has not pruned all 80 trees on the property but he has maintained it.

Mr. Moore responded that he lives right across the street and takes care of his property. He stated he is thoroughly 100 percent against it.

Mr. McNabb asked if the building would have to moved from the original drawing.

Mr. Neimayer stated that it was suggested in a preliminary report from Health District to just flip the building and the parking.

Mr. McNabb stated that the ditch where the proposed access to the property is always is full of water.

Mr. Neimayer stated that the Country Engineers would have to determine where the access would be and consider the drainage.

Mr. McNabb stated that in the covenant it is stated that owners have to mow all 5 acres. He said he is just against it.

Acting Chairperson Spurlock asks if anyone else would like to speak.

Acting Chairperson Spurlock closes this portion of the public hearing at 2:51 pm.

Acting Chairperson Spurlock asks if there are any questions for the Staff.

Mr. Smith asks Mr. Neimayer what kind of restrictions the Board can put on this case.

Mr. Neimayer stated the questions earlier had to do with screening.

Mr. Neimayer responds that if this is all approved they will have to fill out an application for Zoning. At that time, there would be follow-up on any conditions. They would have to be shown in the plot plan.

Acting Chairperson Spurlock stated that Mr. Wise mentioned having a bathroom in the building. A Building permit would be necessary with Health District approval for that.

Mr. Neimayer reminds the Board that there are two cases. There needs to be a vote on Conditional use first. Subject to that we can continue with the Variance.

Acting Chairperson Spurlock asks for a motion.

BZA: 8-56-2013: BZA-2013-28 ~ Conditional Use Case ~ Cory Wise ~ Located at 9995 New Carlisle Pike ~ Bethel Township

Motion by Mr. Minard, seconded by Mr. Smith, to <u>Approve</u> the Variance request as presented subject to the following condition: Review and approval of the access point onto Funderburg Road by the County Engineer's Department.

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

Motion carries.

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

Mr. Neimayer, Senior Planner explains that the Applicant is requesting a Variance to increase the maximum size of an accessory structure to build a 60 ft. by 120 ft. (7,200 sq. ft) pole barn; also located in the front – a corner lot.

CLARK COUNTY ZONING REGULATIONS

Chapter 8, Section B, 3, a):

- 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]

Chapter 8, Section B:

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



Acting Chairperson Spurlock asks the Board for a motion.

BZA: 8-57-2013: BZA-2013-22 ~ Variance Case ~ Cory Wise ~ Located at 9995 New Carlisle Pike ~ Bethel Township

Motion by Mr. Smith, seconded by Mr.Minard, to <u>Approve</u> the Variance request as presented.subject to the following condition: The perimeter of the 4 acres for the business shall be adequately screened with dense vegetation to block the view from adjacent properties.

VOTE: Yes: Mr. Smith, Mr. Minard, and Mr. Spurlock *Motion carries.*

Don Wallace is back on the board and Mr. Minard is still a voting member.

<u>BZA-2013-33: Variance Case ~ Steven & Linda Kellough ~ Located at 6515</u> Plattsburgh Rd ~ Harmony Township

Mr. Neimayer, Senior Planner explains that the Applicants are requesting a variance to allow a 24 ft. by 32 ft. detached garage in the front yard. The subject property is zoned A-1 (Agricultural District) and located at 6515 Plattsburg Road in Harmony Township.

The Clark County Zoning Regulations state:

CLARK COUNTY ZONING REGULATIONS

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. Neimayer asks if there are any questions from the Board regarding the staff report. There were none.

Acting Chairperson Spurlock opens this portion of the public hearing at 3:03 pm.

Acting Chairperson Spurlock asks if there are any proponents wishing to speak in favor of the case.

Linda Kellough, whose address is 6515 Plattsburg Road, stated that the purpose of the garage is to store the lawnmower, snow blower, and vehicles. All of which have had to sit outside for the 5 years they have owned the property. The only other storage available is a crawl space. It was suggested to place the garage in the back yard, but that is where the leach bed is located.

Acting Chairperson Spurlock asks of anyone else would like to speak in favor or make any comments or questions. There are none.

Acting Chairperson Spurlock asks if anyone would like to speak in opposition of this case. There are none.

Acting Chairperson Spurlock closes this portion of the public hearing at 3:05 pm.

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

BZA: 8-58-2013: BZA-2013-33 ~ Variance Case ~ Steven & Linda Kellough~ Located at6515 Plattsburgh Rd. ~ Harmony Township

Motion by Mr. Smith, seconded by Mr. Minard, to <u>Approve</u> the Variance request as presented.

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

Motion carries.

<u>BZA-2013-34: Conditional Use Case ~ Kristin & Doug Eggeman ~ Located at 6958</u> <u>Old Clifton Road ~ Green Township</u>

Mr. Neimayer, Senior Planner explains that the Applicant is requesting a Conditional Use to allow a home occupation for a grain bin construction business. The subject property is zoned A-1 (Agricultural District) and is located at 6958 Old Clifton Road in Green Township.

CLARK COUNTY ZONING REGULATIONS

Chapter 7, Section 118 – Regulations for Home Occupations [eff: 3-29-90]

- 1. Zoning Districts Where Conditionally Permitted:
 - a) A-1 Agricultural District
 - b) R-1 Rural Residence District
 - c) R-1A Suburban Residence District
 - d) R-2 Low Density Single-Family Residence District
 - e) R-2A Medium Density Single-Family Residence District
 - f) R-2B Medium-High Density Single-Family Residence District
 - g) R-3 Medium Density Single- and Two-Family Residence District
 - h) R-4 Multiple-Family Residence District
- 2. A home occupation shall be conditionally permitted if it complies with the following requirements, and any additional requirements as the Board of Zoning Appeals mandates:
 - a) The external appearance of the structure in which the use is conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure;
 - b) No off premise signs to be provided;
 - c) No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.

- d) There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street, no more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
- e) No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- f) No additional parking demand shall be created.
- g) No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer or independent contractor.

Mr. Neimayer stated that at the Technical Review meeting Dean Fenton said that the County Engineers would probably not approve the T- shaped driveway that is shown in the plot plan.

Mr. Neimayer also brought to the Boards attention Item g. on the staff report that states: No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer or independent contractor.

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

Acting Chairperson Spurlock asks if the proposed buildings are within current regulations or would they require any additional variances.

Mr. Neimayer responded that at the current time, yes, as long as no changes are made from original plan.

Mr. Smith asks if they would be making the grain on site or if there would be storage of grain.

Mr. Neimayer stated that the applicant was there and would have a chance to answer.

Acting Chairperson Spurlock asks if there are any other questions for Staff. There were none.

Acting Chairperson Spurlock opens this portion of the public hearing at 3:11pm. He asks if the Applicant, the representative or the owner would like to speak.

Kristen Eggeman, whose address will soon be 6958 Old Clifton Road, currently lives in Mad River Township. She stated that her husband only builds the silos and is also a farmer. No silos would be built on the property. The proposed building would be used for storage of his equipment for his business and also farming equipment.

Mrs. Eggeman also stated that she is a Civil Engineer and would also be working out of her home. The barn would also be used to store her files. She mentioned that the T-

shaped driveway was only sketched thinking of the possibility it could also serve as a school bus turnaround. The property sits in two different school districts and the turnaround might allow the chance for open enrollment of their children.

Mr. Wallace referring to Item g. in the zoning regulations asks about those persons that would participate in the home occupation that are not residents on the premises.

Mrs. Eggeman responded that most of the employees would not be working on the property. That they work at the job sites. There might be an occasional time that someone is repairing equipment on the property.

Acting Chairperson Spurlock asks if anyone else would like to speak.

Audrey Norman, whose address is 923 E Jackson Road, stated that the letter she received said it would be an in-house business. She is concerned that large buildings would be built on the property.

Mrs. Norman also stated that farm ground is all around the said property and is questioning whether or not the old barn and silo are going to be taken down. Also of concern that a bunch of men are going to showing up in trucks and they would keep expanding business and more buildings would be built.

Mrs. Eggeman responded that the men that work for her husband do not always come to the location.

Mr. Neimayer stated that any expansion other than what is being proposed is possible, but is still subject back to the Boards approval.

Mrs. Eggeman responded that the silo is gone. The barn will be taken down. Their company is a Labor Force Company and any expansion would be additional employees working at job sites. The employees would not be working on the property. We are farmers at heart and plan on this being our family homestead.

Acting Chairperson Spurlock asks if there are any questions from the Board for the Applicant. There were none.

Acting Chairperson Spurlock asks if there is anyone else that would like to speak. There were none.

Acting Chairperson Spurlock closes this portion of the public hearing at 3:19 pm.

Acting Chairperson Spurlock asks the Board if there are any further questions.

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

BZA: 8-59-2013: BZA-2013-34 ~ Conditional Use Case ~ Kristin & Doug Eggeman ~ Located at 6958 Old Clifton Road ~ Green Township

Motion by Mr. Smith, seconded by Mr. Minard, to <u>Approve</u> the Variance request as presented.

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

Motion carries.

BZA-2013-35: Variance Case ~ Michael Thompson ~ Located at 3330 S Dayton Lakeview Road ~ Bethel Township

Mr. Neimayer, Senior Planner explains that the Applicants are requesting variances to allow: (1) the storage of vehicles in the front yard; and (2) the storage of vehicles for periods longer than seven days outside the building. The proposed use is a vehicle servicing and auto repair facility. The subject property is zoned B-3 (General Business District) and is located at 3330 S. Dayton-Lakeview Road (SE corner of Gerlaugh Road and SR 235) in Bethel Township.

CLARK COUNTY ZONING REGULATIONS

Chapter 7, Section 104:

<u>Section 104 – Regulations for Automotive Repair Garages</u>

- 1. Zoning Districts Where Permitted as Conditioned Use: [eff: 4-4-96]
 - a) B-2 Community Business District
 - b) B-3 General Business District
 - c) B-4 Heavy Business District
 - d) I-1 Industrial District
- 2. There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. These separate driveways shall have a minimum distance of twenty (20) feet between them, and shall not exceed thirty (30) feet in width at the curb line, nor twenty-four (24) feet in width at the property line. No such driveway shall be located closer than twenty-five (25) feet to an adjacent property line in a Residential District, nor ten (10) feet to an adjacent property line in any other Zoning District; and on corner lots shall not be located closer than thirty (30) feet to the intersection of the right-of-way lines of the two (2) streets.

- 3. All repair garage buildings shall have a minimum front yard depth of fifty (50) feet, and all gasoline pumps shall be set back a minimum distance of twenty (20) feet from the front property line. [eff: 3-29-90]
- 4. The entire lot area, exclusive of the area covered by the garage structure or planting areas, shall be paved. [eff: 3-29-90]
- 5. The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- 6. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental trucks, trailers, or other motor vehicles shall not be permitted in the front yard. [eff: 3-29-90]
- 7. Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building. [eff: 3-29-90]

A solid fence, wall, or evergreen hedge six (6) feet high shall be constructed or planted where the garage or storage area is located adjacent to a Residential District or lot containing a dwelling. [eff: 3-29-90]

Chapter 7, Section 138:

Section 138 – Regulations for Automotive Body Shop

- 1. Zoning Districts Where Permitted as Conditioned Use: [eff: 4-4-96]
 - a) B-3 General Business District
 - b) B-4 Heavy Business District
 - c) I-1 Industrial District
- 2. The entire lot area, exclusive of the areas covered by the shop structure or planting area, shall be paved.
- 3. The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- 4. No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of any motor vehicles shall not be permitted in the front yard.
- 5. Storage of motor vehicles shall be permitted on the premises for periods of time not exceeding seven (7) days unless stored entirely within an enclosed building.
 - 6. A solid fence, wall or evergreen hedge six (6) feet high shall be constructed or planted where the shop or storage area is located adjacent to any "R" District or any lot containing a dwelling.

Mr. Neimayer presented a letter from EPA to the previous owner of the property requesting that they tie-in to the County's sanitary sewer system. He stated that the order is still there from the EPA and that whoever develops the said property will probably have to tap in to public utilities.

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

Mr. Smith asks if property is currently tied into the County's sewer system.

Mr. Neimayer stated that no, they are not. The previous owner, an auto repair, ceased operation.

Mr. Smith asks what type of vehicles they want to store on the property.

Mr. Neimayer responds that they would be the vehicles associated with the auto repair business and also the U-haul rental vehicles.

Acting Chairperson Spurlock stated that if there were two separate businesses on the property that with the Right of Way restrictions there would not be much space for other parking on site.

Mr. Neimayer stated they would have to be in compliance with appropriate zoning parking requirements.

Mr. Wallace stated that he has observed the corner repeatedly in the past. It appears that the proposed use would use less space than some of the used car lots did in the past. He asks if they could put a used car lot there.

Mr. Neimayer stated that is not what the Applicant is requesting.

Mr. Neimayer noted to the Board that the Applicant was not in attendance.

Acting Chairperson Spurlock opens this portion of the public hearing at 3:32

Acting Chairperson Spurlock asks if anyone else would like to speak. There were none.

Acting Chairperson Spurlock closes this portion of the public hearing at 3:33 pm.

.Acting Chairperson Spurlock asks the Board for a motion.

BZA: 8-60-2013: BZA-2013-35 ~ Variance Case ~ Michael Thompson ~ Located at 3330 S Dayton Lakeview Road ~ Mad River Township

Motion by Mr. Wallace, seconded by Mr. Minard, to <u>Approve</u> the Variance request as presented.

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

Motion carries.

<u>BZA-2013-36: Variance Case ~ Cynthia Hill ~ Located at Haddix Road 0.8 miles</u> west of Spangler Road ~ Mad River Township

Mr. Neimayer, Senior Planner explains that the Applicant is requesting a variance to reduce the minimum lot frontage from 150 ft. to 50 ft. for a lot split. The 50 ft. is existing frontage on Haddix Road. The subject property consists of two tracts: north tract zoned I-1 (Industrial District), south tract zoned A-1 (Agricultural District). The south tract is located on Haddix Road 0.8 miles west of Spangler Road in Mad River Township.

The Clark County Zoning Regulations state:

CLARK COUNTY ZONING REGULATIONS

<u>Chapter 2, Section A:</u>

SECTION A									
[eff: 12-1-05]	AGRICULT	TURAL DISTRIC	T	Γ A-1 AGRICULTURAL					
PRINCIPAL PERMITTED AND CONDITIONED USES:		MINIMUM	ZONING LOT REQUIREMENTS				MAXIMUM HEIGHT		FOOTNOTES
	LOT SIZE	FRONTAGE	YARD REQUIREMENTS (Feet)				(Feet)	(Stories)	
	(Area)	WIDTH * (feet)	FRONT (Setback)	LEAST WIDTH	SUM of BOTH	REAR (Setback)			(Restrictions)
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
Private Landing Field									7
4. Day-Care Homes	-	-		-			-		2, 5, 26
5. Bed and Breakfast [eff: 4-2-2000]									2, 5, 30
		mum LOT 4.99 Acre					•		

Mr. Neimayer asks if there are any questions from the Board. There were none.

Acting Chairperson Spurlock opens the public hearing at 3:37pm. He asks if there is anyone that would like to speak on behalf of the Applicant.

Cindy Hill, whose address is 3540 Harmeling Drive, stated that her goal with this Variance request is to clean up estate planning that my father is trying to do in his guardianship.

Acting Chairperson Spurlock asks if anyone else would like to speak.

Acting Chairperson Spurlock closes this portion of the hearing to the public at 3:38 pm.

Acting Chairperson Spurlock asks if there are any other questions for Staff or comments.

Hearing none, Acting Chairperson Spurlock asks the Board for a motion.

BZA: 8-61-2013: BZA-2013-36 ~ Variance Case ~ Cynthia Hill ~ Located at Haddix Road 0.8 miles west of Spangler Road ~ Mad River Township

Motion by Mr.Smith, seconded by Mr. Wallace, to <u>Approve</u> the Variance request as presented.

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

Motion carries.

Zoning Regulations – Proposed Amendments – Chapters 8 and 9

Mr. Neimayer proceeds to Chapter 8. He states that in Chapter 8 the changes are mainly editorial and that there is no substance change.

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, October 24, 2013.

ADJOURNMENT

Acting Chairperson Spurlock asks for a motion for adjournment.

BZA: 8-62-2013 ~ Adjournment

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

VOTE: Motion carries unanimously.

The meeting was adjourn	ned at 3:47	p.m.
Jeff Horne, Chairperson		