

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, September 29, 2016

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mrs. Jerri Taylor, Vice 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. Rick Smith, Mrs. Jerri Taylor, Mr. Paul Hazlett and Mr. David Minard.

Absent For Roll Call: Mr. Tim Greenwood and Mrs. Janie Riggs.

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

Vice Chairperson Taylor explained how the meeting will be conducted.

Vice Chairperson Taylor asked for comments regarding the minutes. Hearing none, she asked for a motion.

Approval of the August 25, 2016 Minutes

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

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

No: None.

Motion carried.

Case #BZA-2016-18 ~ Property Owner/Applicant: Benny and Terrell ~ Location 1643 Dale Road ~ Bethel Township ~ reduce minimum side setback, maximum number accessory structures.

Vice Chairperson Taylor asked Mr. Neimayer for the Staff Report.

Mr. Neimayer noted for the record that alternate Mr. Minard would be a full voting member for today's meeting.

Motion to Untable #BZA-2016-18 ~ Variance ~ Property Owner/Applicant: Benny and Joy Terrell.

Motion by Mr. Smith, seconded by Mr. Minard, to Untable #BZA-2016-18.

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

No: None.

Motion carried.

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Mr. Allan Neimayer, Senior Planner, stated this is Variance Case #BZA-2016-18. Property Owners are Benny and Joy Terrell, Benny Terrell being the Applicant. The property is located at 1643 Dale Ridge Road in Bethel Township. This original variance request was to allow an accessory structure in the side yard that exceeds the minimum side yard setback and the maximum number of accessory structures allowed on a lot less than one acre.

Mr. Neimayer showed the Board the original submittal proposed at the August 25, 2016 meeting. This request was tabled last month in order for the Applicant to relocate the accessory structure in the rear yard with a minimum of 3 foot setback from the side lot line and to also remove one of the existing structures, which would make it in compliance with the current Zoning Regulations.

Mr. Neimayer showed the revised proposal showing the structure located in the rear yard and 3 feet from the side yard lot line. There will be a 4-foot separation from the back of the house to the accessory structure. The dimensions have changed and are now 22 feet by 26 feet. Mr. Neimayer noted that one of the accessory structures will be removed subject to the approval of the request.

Mr. Neimayer stated that he has not received any communications on this and asked for questions from the Board.

Hearing no questions for Staff, Vice Chairperson Taylor opened this portion of the public hearing at 2:07 pm. and asked if anyone would like to speak in favor of the case. There were none.

Vice Chairperson Taylor asked if anyone would like to speak in opposition of the case. There were none.

Vice Chairperson Taylor closed this portion of the public hearing at 2:08 pm. and asked for discussion among the Board.

Hearing no questions or comments from the Board, Vice Chairperson Taylor asked for a motion.

Case #BZA-2016-18 ~ Property Owner/Applicant: Benny and Terrell ~ Location 1643 Dale Road ~ Bethel Township.

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

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

No: None.

Motion carried.

Case #BZA-2016-19 ~ Property Owner/Applicant: James and Joy Cordell ~ Location 12800 Old Osborne Road ~ Harmony Township ~ allow a 6 foot privacy fence in front and side lot.

Vice Chairperson Taylor asked Mr. Neimayer for the Staff Report.

Mr. Neimayer presented Case #BZA-2016-1. The Property Owners/Applicants are James and Joy Cordell. The subject property is located at 12800 Old Osborne Road in Harmony Township. This is a

request to allow a 6 foot privacy fence in the front and side lot in order to have some screening from the adjacent property. Mr. Neimayer said he has a letter of support from the Harmony Township Trustees. He has not received any other communication. Mr. Neimayer asked for questions from the Board.

Hearing no questions for Staff, Vice Chairperson Taylor opened this portion of the public hearing at 2:10 pm. and asked if anyone would like to speak in favor of the case.

Mr. Jim Cordell, 12800 Old Osborne Road, was sworn in. Mr. Cordell explained the visual coming down his road has been and still is unsightly. Mr. Cordell said he would like to reduce that to a more pleasant view and that a 4 foot fence would not accomplish that.

Mr. Hazlett asked if there was a fence from the point that they are proposing on. Mr. Cordell explained the location and said he would be leaving 4 or 5 feet from the property line for maintenance.

Mr. Hazlett asked about what appears to be a cattle fence with a tarp over it. Mr. Cordell answered that it is not on his property. It is to keep rabbits and other animals at bay.

Vice Chairperson Taylor asked if the tarp was his. Mr. Cordell said it is not.

Mrs. Melina Strickler, 12730 Old Osborne Road, was sworn in. Mrs. Strickler explained that they put up the tarp because they could not afford a fence at the time. She stated that they were trying to spare the neighbor from the nuisance. Mrs. Strickler said she has rented the property for the last three years. She explained that if you looked at the property three and half years ago until now there is a big difference and that she is trying her best and said that it is a very long process and understands that it is her responsibility now. She stated that they are in agreement with the 6-foot fence. Mrs. Strickler said this is her livelihood and is where she is raising her children. As long as the 6-foot fence is not on her property, she does not care.

Mr. E.J. Coleman, 12832 Old Osborne Road, was sworn in. Mr. Coleman stated that if the Cordells want to build the 6-foot fence, he is in agreement with it.

Vice Chairperson Taylor asked if anyone would like to speak in opposition of the case. There were none.

Vice Chairperson Taylor closed this portion of the public hearing at 2:20 pm. and asked for discussion among the Board.

Mr. Hazlett asked Mr. Neimayer if the setback was adequate for purposes of ingress and egress. Mr. Neimayer said it is and pointed out the right-of-way.

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

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Case #BZA-2016-19 ~ Property Owner/Applicant: James and Joy Cordell ~ Location 128000 Old Osborne Road ~ Harmony Township ~ allow a 6 foot privacy fence in front and side lot.

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

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

No: None.

Motion carried.

Case #BZA-2016-20 ~ Property Owner/Applicant: David Altman II and Margie Thomas ~ Location 7318 New Horizon Avenue ~ Mad River Township ~ to allow an accessory structure that exceeds the maximum size and the maximum number of accessory structures allowed on a lot less than one acre

Vice Chairperson Taylor asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated this is Case #BZA-2016-20. The Property Owners are David Altman II and Margie Thomas. David Altman is the Applicant. The subject property is located 7318 New Horizon Avenue in Mad River Township. This is a request to allow three accessory structures with a combined size greater than that allowed on a lot less than one acre. The proposed structure would be 12 feet by 36 feet.

There are two existing structures as shown on the aerial photo. Currently we are looking at 1,075 feet and with the proposed structure it would be 1,507 square feet. Mr. Neimayer explained that 1,500 square feet is the maximum for a property this size. Hence, the Applicant has filed this variance request. Mr. Neimayer stated he has not received any communications on this case and asked for questions from the Board.

Hearing no questions for Staff, Vice Chairperson Taylor opened this portion of the public hearing at 2:23 pm. and asked if anyone would like to speak in favor of the case.

Mr. David E. Altman II, 7318 New Horizon Avenue, was sworn in. Mr. Altman said they purchased a travel trailer in July of this year and would like to keep it stored on his property under cover. The contractor is All Steel Carports. Mr. Altman stated that he has talked to his neighbors on all sides of him and none of them are opposed to the structure.

Vice Chairperson Taylor asked if anyone would like to speak in opposition of the case. There were none.

Vice Chairperson Taylor closed this portion of the public hearing at 2:25 pm. and asked for discussion among the Board.

Mr. Hazlett asked Mr. Neimayer if the carport would be far enough from the property line. Mr. Neimayer said that it would be; five feet is the minimum required.

Hearing no further discussion from the Board, Vice Chairperson Taylor asked for a motion.

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Case #BZA-2016-20 ~ Property Owner/Applicant: David Altman II and Margie Thomas ~ Location 7318 New Horizon Avenue ~ Mad River Township ~ to allow an accessory structure that exceeds the maximum size and the maximum number of accessory structures allowed on a lot less than one acre

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

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

No: None.

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is Thursday, October 27, 2016.

Mr. Neimayer reviewed updated Staff procedures following BZA action on cases.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:40 pm.

Mrs. Jerri Taylor, Vice Chairperson

Mr. Thomas A. Hale, Secretary