Regular Meeting Thursday, October 24, 2013 Springview Government Center 3130 E. Main Street Springfield, Ohio 45505

Mr. Tim Greenwood, Vice-Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:00 p.m.

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

Absent: Mr. Jeff Horne, Mr. David Minard, Alternate

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

interested persons.

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

BZA: 10-63-2013: Minutes ~ September 26, 2013

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

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

No: none

Abstain: Mr. Greenwood

Motion carries.

Vice-Chairperson Greenwood 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.

Vice-Chairperson Greenwood asks the Board if anyone needs to abstain.

Mr. Wallace comments he will abstain from Case #BZA-2013-38.

Vice-Chairperson Greenwood asks the Staff to present the first case.

<u>BZA-2013-37: Conditional Use Case ~ Mark Debreceni ~ Lake Avenue Christian</u> Church, Inc. ~ Located at 4395 Spangler Road ~ Mad River Township

Mr. Neimayer, Senior Planner, states he would like to make a correction to the staff report. The property owner in this case is actually Richard Schaefer c/o Cindy Hill not Schaefer Family Limited Partnership; Cindy Hill.

Mr. Neimayer explains that the Applicant is requesting a Conditional Use to allow a church and related facilities. The subject property is zoned I-1 (Industrial District) and is located at 4395 Spangler Road in Mad River Township. Under county zoning, the I-1 District also allows uses in the 'B' Districts (Business Districts). Churches and similar places of worship are a Conditional Use under B-1 zoning provided said use meets B-2 frontage, area and setback requirements plus the development standards of Chapter 7, Section 109 [Churches and Similar Places of Worship].

CLARK COUNTY ZONING REGULATIONS

Chapter 7, Section 109 – Churches and Similar Places of Worship

- 1. Zoning Districts Where Conditionally Permitted: [eff: 6-13-02]
 - a) All Districts
- 2. Immediate access to a public thoroughfare shall be provided by at least two (2) entrance/exits.
- 3. An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public thoroughfare.
- 4. Lot frontage, size, and building setbacks and height: { for B-2 Zoning District } [eff: 11-6-08]

Minimum Lot Frontage – 100' (Subject to Footnote 1 – Chapter 2, Section H)

Minimum Lot Area – 15,000 Sq. Ft. (Subject to Footnote 1 – Chapter 2, Section H)

Minimum Front Yard Setback – 35'

Minimum Side Yard Setback – 5'

Minimum Rear Yard Setback – 20'

Maximum Building Height – 35'

Mr. Neimayer showed some slides representing options for access to/from the subject property. The access points are to Victorys Safety Lane, which then intersects with Spangler Road. He then presented the Board with a letter from the County Engineers Department regarding entrances and exits for the property. There is no possible way for the property to have two access points on Spangler Road. Mr. Neimayer asks if there are any questions from the Board in regards to entrance and exit points.

Mr. Wallace asks where I-675 ends on Spangler Road.

Mr. Neimayer responds that it is probably before or after Victory's Safety Lane or close to the intersection. That area is controlled by ODOT and any new access point proposed would not get approved due to the proximity with the interchange ramps.

Mr. Spurlock asks if Victory's Safety Lane is a dedicated public road and if the county maintains it.

Mr. Neimayer stated he understands that the county maintains the first half of Victory's Safety Lane and the township maintains the second half.

Mr. Spurlock asks if the county and or the township is responsible for maintenance and snow removal on the road.

Mr. Neimayer stated that one or the other would be responsible for that because it is a public road.

Mr. Neimayer stated that the property is located in the floodplain. That does not limit development of the property but could limit some uses for the property.

Mr. Neimayer asks if there are any questions regarding the Staff Report.

Mr. Wallace asks if there is any indication of how the other two adjoining parcels are going to be used or what might happen with therm.

Mr. Neimayer stated that there was no indication as far as land use. In terms of zoning, one parcel is zoned I-1'S' and would have some limitations on the allowed uses. At this time, no development/use has been proposed.

Mr. Spurlock asks if the county had access to the treatment plant it would have to be going across the river.

Mr. Neimayer responded that is correct and that he understands the county has already been crossing through the Schaefer property in some way.

Mr. Wallace stated that he believes there is a right-of-way in that area somewhere from an old railroad that goes across the river.

Mr. Spurlock questions whether access points being in the floodplain would create any problem in the future.

Mr. Neimayer stated that as development would be proposed for other parcels they would have to comply with the floodplain regulations effective at that time. He also explained the difference between floodplain and floodway.

Vice-Chairperson Greenwood asks if there are any further questions. There were none.

Vice-Chairperson Greenwood opens this portion of the public hearing at 2:17 pm. He asks if there are any proponents wishing to speak in favor of the case. There were none.

Vice-Chairperson Greenwood asks if anyone would like to speak in opposition of this case.

Mr. Mike Leibold, owner of Refurb1, 55 Victory's Safety Lane, stated that he had heard there was a filing of a petition to rezone the property. He has leased space in one of the buildings on the property since December. He has elevated his staff to 30 people and hopes to add another 20 employees by next year. He is concerned about what impact there will be on his business if zoning is changed. His business is to paint and work on semis.

Mr. Neimayer stated that there is no zoning change being proposed. The property is zoned I-1, Industrial District, and it will remain that. He explained what the church is asking for is a Conditional Use approval in addition to the existing uses.

Mr. Leibold stated that he had some concern about the possibility of there being a day care run by the church on the property. He does not want the church to buy the property and not be able to use it for their intended uses if children cannot be too close to certain businesses.

Mr. Leibold also stated that he has never seen a snow plow come down Victory's Safety Lane. The only plow truck that has come down the road was his. The township/county did spray for weeds this year. Wise Landscaping has done all the mowing all the way to Spangler Road. There has never been any other maintenance on road since he has been a tenant there.

Mr. Neimayer stated that as far as the church operating a daycare on the property, that would also be a Conditional Use and would require the Owner/Applicant to come before this Board for approval.

Vice-Chairperson Greenwood asks if anyone else would like to address the Board.

Mr. Smith stated that he felt the Board was left in limbo. Referring to the County Engineer's report that stated as it exists, there is only one (1) access and no real possibility of creating a second access onto a public thoroughfare within the subject property.

Mr. Neimayer stated it is up to the Board to decide if they feel the use of the property and the traffic onto Spangler Road would be an issue to approve the Conditional Use.

Mr. Wallace stated he remembered when this property was a busy truck terminal. He never remembered that the traffic interfered with traffic on Spangler Road. He does not foresee that traffic would be any busier than that of the truck terminal except maybe on a Sunday Morning. He stated maybe the best option is to approve despite Mr. Fenton's concern.

Mr. Spurlock stated that he would like to hear more information from the Applicant about the planned usage for the property if approved. It would be helpful to have more information.

Mr. Mark Debreceni, Applicant, whose address is 1101 W. Lake Avenue, New Carlisle, OH, stated that the building located closest to I-70 will be used for the main worship center. Church services will be there on Sunday. There will also be a place for a nursery and for pre-school children. The sanctuary will have about 450 seats. This location will have a lot more room for adult classroom ministries and children ministries. The back (far west) building will eventually be used for a youth center and also for children's ministries, not a daycare.

Mr. Spurlock asks how many days a week the buildings will be used.

Mr. Debreceni stated that the back building could have people there all week long. Right now, church services are held only on Sunday.

Mr. Spurlock asks Mr. Debreceni how many people would be coming and going on a daily basis other than for church services.

Mr. Debreceni stated that there would be approximately 20 people coming and going daily. Occasionally there will be some evening activities for adults that would take place after work hours.

Vice-Chairperson Greenwood asks if there are any further questions or comments. There were none.

Vice-Chairperson Greenwood closes the public hearing at 2:23 pm.

Hearing no further questions, Vice-Chairperson Greenwood asks the Board for a motion.

BZA: 10-64-2013: BZA-2013-37 ~ Conditional Use Case ~ Mark Debreceni ~ Lake Avenue Christian Church, Inc. ~ Located at 4395 Spangler Road ~ Mad River Township

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

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

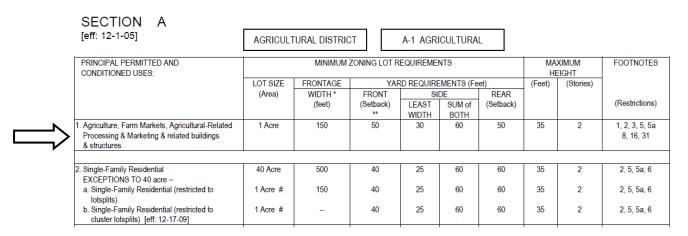
Mr. Wallace removed himself from the Board.

<u>BZA-2013-38: Variance Case ~ Roger and Annabelle Blumenschein ~ Located at 440 Bischoff Road ~ Bethel Township</u>

Mr. Neimayer, Senior Planner, explains that the Applicants are requesting a Variance to reduce the minimum lot frontage from 150 ft. to zero (0) ft. in order to split the farm land into 37.489 acres, to remain with the property owners, and 78.525 acres, to be transferred to the Applicants. An ingress/egress easement involving the adjacent property at 8506 W. National Road has been prepared and will be recorded with the lot split – pending approval of the variance request. This adjacent property is owned by Doug & Tonya Blumenschein and was created via a lot split in December 1999.

CLARK COUNTY ZONING REGULATIONS

Chapter 2, Section A:



Mr. Neimayer stated that the Applicant's proposed split would take the subject property back to the original configuration. There was some concern due to the access to the property. One suggestion was for an access off of Bischoff Road. Staff would not support that option due to all the jogs in the proposed access. Even though the current land use purpose is farming, there is the potential redevelopment of the property in the future into something other than agriculture. Therefore, the access off of Bischoff Road would not be a good way to get access to the property. For the intended use, continuing the agricultural use of the property, Staff supports using the existing access which the Applicants now have. Although current deeds reflect very general language regarding this access, it does provide for access coming off of West National Road using the access point the adjacent five acres parcel (Doug and Tonya Blumenschein) has to get to the farmland.

Mr. Neimayer presented a copy of a document to be recorded with the proposed land division. It would clearly identify and explain the shared access and maintenance responsibilities for the current owners and future owners of the respective properties. The document would permanently establish an ingress/egress easement access to the proposed 78.525 acre farmland.

Mr. Neimayer asks the Board if there are any questions concerning the ingress/egress easement.

Mr. Neimayer presented a letter from the County Engineers Department that stated they object to the request for zero frontage and instead recommend the Applicants split the tract as shown on an attached survey. Planning Staff does not support that recommendation as it would create more obstacles as far as future development of the property.

Mr. Spurlock stated that he feels the County Engineer's recommendation is in a poor location because of the rise and dips in that section of Bischoff Road.

Mr. Neimayer asks if there are any other questions for Staff. There were none.

Vice-Chairperson Greenwood opens this portion of the public hearing at 2:45 pm.

Vice-Chairperson Greenwood asks if there are any proponents wishing to speak in favor of the case.

Mr. Ronnie Young, whose address is 410 Bischoff Road, stated he is for the rezoning and is in support of Mark and his father's request.

Vice-Chairperson Greenwood asks if anyone else like to speak in favor of the case.

Mrs. Annabelle Blumenschein, whose address is 4907 W National Road, stated that she is in favor of the ingress/egress easement and that it has already been in place at least 26 years. Nothing is changing. We would just like the agreement to be recorded.

Mr. Mark Blumenschein, whose address is 99 Eastwick Court, Beavercreek, OH, stated that his parents had originally owned the large rectangular lot. The plan was to sell five acres to his brother, and Mark purchased land on side by Bischoff Road. Our goal is to get the property back to the original configuration.

Vice-Chairperson Greenwood asks if anyone else would like to speak. There were none.

Vice-Chairperson Greenwood closes this portion of the public hearing at 2:49 pm.

Hearing no further questions, Vice-Chairperson Greenwood asks the Board for a motion.

BZA: 10-65-2013: BZA-2013-38 ~ Variance Case ~ Roger & Annabelle Blumenschein ~ Located at 440 Bischoff Road ~ Bethel Township

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

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

Motion carries.

Mr. Wallace returns to the Board.

BZA: 10-66-2013: ~ Motion to Accept new meeting dates for November and December 2013

Motion by Mr. Smith, seconded by Mr. Spurlock, to <u>Approve</u> the November and December 2013 meeting dates as presented.

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

Motion carries.

BZA: 10-67-2013: ~ Motion to Approve the 2014 Calendar meeting dates

Motion by Mr. Smith, seconded by Mr. Spurlock, to <u>Approve</u> the 2014 Calendar meeting dates as presented.

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

Motion carries.

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, November 21, 2013.

ADJOURNMENT

Vice-Chairperson Greenwood asks for a motion for adjournment.

BZA: 10-68-2013 ~ Adjournment

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

VOTE: Motion carries unanimously.

The meeting was adjourned at 3:00 pm.
Tim Greenwood, Vice-Chairperson