

# **Minutes**

## **Clark County Planning Commission**

Regular Meeting ~ 2:00 p.m.  
Wednesday, January 9, 2019

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

Chairperson Stevenson of the Clark County Planning Commission called the meeting to order at 2:01 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Elaine Stevenson, Commissioner Lohnes, Ms. Louise Maurer, Mrs. Charlene Roberge, Mr. Mark Scholl, Mrs. Jo Anderson, Mr. David Stickney and Mr. Don Wallace.

Absent For Roll Call: Commissioner McGlothlin and Commissioner Wilt.

### **Approval of the December 5, 2018 Minutes**

Motion by Mrs. Roberge, seconded by Mr. Wallace, to **Approve** the minutes as presented.

**VOTE: Yes:** Mrs. Roberge, Mr. Wallace, Mrs. Stevenson, Commissioner Lohnes, Ms. Maurer, Mr. Scholl, Mrs. Anderson and Mr. Stickney.

**No:** None.

**Abstain:** None.

***Motion carried.***

### **Alternate resolution to 4639 Prairie Bluff Ave. property – Discussion Only**

Mr. John Spencer, Attorney representing the Applicant/Owners, 30 Warder St., gave a recap of the case heard at the December 5, 2018 CPC meeting. Mr. Spencer stated after listening to testimony and concerns about the covenants and restrictions he wanted to come up with alternate solution. The issue is enforcement of the Prairie Bluff Subdivision Covenants. He explained that he filed for the February CPC meeting but wants to hear any concerns now so that he can correct any issues. He passed out copies of the proposed deed restrictions with the same covenants as the Prairie Bluff Subdivision except in Paragraph 3: tying the enforcement of the covenants and restrictions to the Prairie Bluff Subdivision. This allows for unified enforcement of the covenants, concern raised at the December 5, 2018 CPC meeting by the Board and neighbors.

Commissioner Lohnes stated that this may resolve the basic concern and protection of everyone else in the subdivision, but the issue is more procedural. He stated he was not sure the CPC should become involved in resolving a covenant dispute.

Mr. Spencer stated Mr. Neimayer had talked legal counsel and they confirmed it could be done by this board. Mr. Neimayer confirmed he had previously spoken with legal counsel and was told it could be done through the CPC.

Mr. Spencer stated that Mr. Neimayer suggested he introduce this alternative resolution to, and get initial comments from, the CPC.

Mr. Wallace asked if we had anything in writing from the prosecutor's office. Mr. Neimayer responded no.

Mrs. Roberge stated that if this was a shed it would have to be moved, but no judge would make someone tear a house down. She said going to court will only increase the cost. She further stated she hopes this does not set a precedent for other people to opt out and go with a solution like this. She stated it is a shame a builder did this, they should have known better.

Mr. Wallace stated it did not matter whether it was intentional or a mistake.

Mr. Spencer stated the builder made a mistake. The plat map shows 50 ft. and 100 ft. He stated he was not defending the contractor, but could understand the mistake that was made.

Mr. Scholl stated 80% of the houses in Moorefield Township are crossing the building line.

Mr. Wallace stated he was still concerned about the open lot adjacent to this one.

Mr. Spencer stated the owner of Lot #10 should be happy, because if the home on the subject property was built at 100 ft. setback, the neighbors on Lot #10 would be looking into the garage.

Mr. Spencer stated they tried to resolve this problem before getting to this point. He stated only four people came to their (neighborhood) meeting. He noted the complaints given at the CPC's December 5, 2018 meeting were: 1) covenants and restrictions in the event of a for rebuild; and 2) why this owner could do it when another owner was stopped.

Mrs. Anderson stated she did no' see the testimony from the last meeting as a complaint, just same rules should be enforced for everyone. Mr. Spencer responded he had the impression that the 'other owner' was not upset about this as much as he was that he got denied to do what he wanted to do. Mrs. Anderson stated the concern was based on no governance, but this (alternative resolution) resolves the problem.

Mrs. Roberge asked why it was not caught earlier. Mrs. Jennifer Tuttle, Planner, responded even if the building inspector would have alerted Staff early, construction of the home could not be stopped. She stated the house meets zoning regulations, and the building department has no authority to stop the construction if it meets the Ohio Residential Building Code. She stated if the house did not meet zoning regulations, the Zoning Administrator could file an injunction with the court.

There was discussion on subdivision regulations and who has enforcement authority. There was also a brief discussion on whether Planned Districts could have helped in this situation.

Commissioner Lohnes gave an example where a neighbor had a judge file an injunction due to a house not meeting the minimum 2,000 sq. ft. requirement of the subdivision covenants. He noted that is the procedure.

Mr. Spencer restated that no one complained until the house was up. Mrs. Roberge stated that if it is not governed, it is all in good faith.

Mr. Scholl stated the County does not have a residential site plan requiring all the information, such as building lines, easements, etc. He suggested the idea.

Commissioner Lohnes stated the County could not police everything. Chairperson Stevenson stated someone should police subdivision covenants and restrictions, noting there should be better requirements.

Mr. Spencer stated the contractor could hire a surveyor for the future. Chairperson Stevenson asked about requiring a survey. There was discussion among members that the cost would be too much.

Mrs. Tuttle explained that Staff is now giving Applicants a copy of the plat map showing the covenants and restrictions to alert them. She noted a disclaimer about subdivision covenants and their enforcement will be added to future Zoning Certificates when applicable. She then noted this still does not give Staff the right to enforce it, but shows that Staff informed the Applicant.

Mr. Scholl stated the requirement could be a site plan, and not a field survey.

Mr. Spencer stated he was formally bringing the case to the CPC on February 6, 2019. He stated he was trying to be proactive and address any other concerns.

### **Update on Land Use Regulations Committee/New Zoning Regulations Format**

Mr. Neimayer explained the new Zoning Regulations format. He noted the Committee had gone through their list of items and will meet again at the end of January.

Mrs. Roberge thanked Staff for working on the new formatting and changes. She liked that items had already been reviewed by legal counsel.

### **Election of Officers for 2019**

Mrs. Roberge appointed herself as the Nominating Committee. There was discussion on who was eligible to serve. Mrs. Roberge stated she would Chair, but felt more comfortable making motions and keeping meetings moving. Chairperson Stevenson stated she felt it was time for a change of Officers. After further discussion among the Board:

Motion by Mrs. Roberge, seconded by Mr. Stickney, to elect Mark Scholl as Chairperson and Louise Maurer as the Vice-Chairperson for 2019.

**VOTE: Yes:** Mrs. Roberge, Mr. Stickney, Mrs. Stevenson, Commissioner Lohnes, Ms. Maurer, Mr. Scholl, Mrs. Anderson and Mr. Wallace.

**No:** None.

**Abstain:** None.

**Motion carried.**

### **Staff Comments**

Mr. Neimayer stated the next scheduled CPC meetings would be February 6 and March 6., 2019.

Mr. Neimayer stated the Commission was still down a member. He noted Green Township Trustees were contacted about the vacancy from when David Minard resigned from the CPC, but he has not heard from them. Commissioner Lohnes stated he had a person in mind and would ask.

# ***Minutes***

***Clark County Planning Commission***

---

## **Adjournment**

Motion by Mrs. Roberge, seconded by Mrs. Anderson, to adjourn.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 2:53 pm.

---

Mrs. Elaine Stevenson, Chairperson

---

Mr. Thomas A. Hale, Secretary