

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, January 24, 2019

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mrs. Jerri Taylor, Chairperson of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:01 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Taylor, Mr. Minard and Mr. Smith.

Absent For Roll Call: Mr. Hazlett, Ms. Riggs and Ms. Wilt.

Also in Attendance: Mr. Allan Neimayer and Mrs. Jennifer Tuttle of Clark County Community and Economic Development.

Chairperson Taylor explained how the meeting will be conducted. She then asked if any Board members needed to abstain from any of the cases. Hearing none, Chairperson Taylor asked if there are any comments regarding the minutes. Hearing none she asked for a motion to approve the minutes.

Approval of the November 29, 2018 Minutes

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

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

No: None.

Motion Carried.

Case #BZA-2019-01 ~ Property Owners/Applicants: Jonathon and Martha Jansen Agent: Mark Scholl ~ Location: 5801 W. Jackson Rd.; Mad River Twp. ~ Request: Variance to Chapter 2, Section A to reduce the remaining frontage of the parent parcel from 150 ft. to 70 ft.

Chairperson Taylor asked for the Staff Report.

Mr. Allan Neimayer, Senior Planner, explained the subject property is located at 5801 W Jackson Rd. and consists of 38+ acres. The property is zoned A-1 (Agricultural District). The Applicant would like to split off 9.708 acres that would leave the parent parcel with 70 ft. frontage along Mud Run Rd. He stated according to the Zoning Regulations Chapter 2, Section A (A-1 District), the minimum lot frontage is 150 ft. The property owners have a buyer wanting to purchase 9.708 acres to be used for agriculture with a single-family residence. Mr. Neimayer stated the county's tax map record previously identified the property as two separate parcels and that was incorrect. Research done by Mark Scholl, surveyor, shows the property should have been identified as one parcel not two. Mr. Neimayer explained the 9+ acres meets zoning, but the residue does not meet the minimum frontage requirement. He noted for the record two of the required mailings were returned: Shannon & Brandy Owens and Gerald & Heather Patrick.

Chairperson Taylor asked if the Board had questions for Staff.

Mrs. Taylor asked for Mr. Neimayer to show the map and area where W. Jackson Road was vacated. Mr. Neimayer displayed the map showing the group of homes that access the driveway/shared access that was part of W. Jackson Road, now vacated. He showed how the actual frontage for the subject property is Mud Run Road.

Mr. Smith asked if the access was a legal road. Mr. Neimayer stated it was vacated and is now functions as a shared driveway.

With no further questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 2:10 pm.

Mark Scholl, Surveyor, 1533 Moorefield Rd., was sworn in. Mr. Scholl is representing the Applicant and stated he had been hired to work on the project and had been for a couple years. He stated Mr. Wise had owned the property but now the Jansens (Mr. Wise's his daughter) owns it. Mr. Scholl explained that W. Jackson Rd. had a major drainage ditch problem and a bridge needed to be repaired. Due to little use of this section of W. Jackson Rd., the three residents applied to vacate this section of the road in 1974 and it was approved. He stated on August 22, 1974 the road was vacated. On August 29, 1974 there was a split of 10.374 acres for Mr. Wise and it went to the centerline of the vacated road. The Tax Map Department hooked the land together incorrectly. He noted he researched and found a survey by Sam Lambert and the strip of land was deeded to the Jansen parcel. Mr. Scholl noted that both parcels had separate tax parcel numbers. He explained a survey by Lou Green for a new split was recorded. Mr. Scholl stated the two parcels should have been combined. He noted technically it (the split prepared by Lou Green) is not a lot of record. He explained the Jansens did not want to cut off access to Mud Run Road as the road is paved and still in good shape. He explained the variance request is to reduce the frontage to 70 ft. at Mud Run Rd. and then 30 ft. to follow the original width of road. He explained they plan to use the existing curb cut.

Chairperson Taylor asked if there was anyone else wishing to speak for or against this case.

Eric Wise Sr., 5808 W. Jackson Road, stated he had lived there since 1940. He explained they were trying to make things cleaner and reflected on how the property has been used for 40 years. He noted they still use the 'road' for access, and he felt the process was more complicated than it needs to be. He said it is just straighten up the way the property is used.

Mr. Smith asked if the only access is off of Mud Run Rd. Mr. Wise responded they come off of W. Jackson Road onto a gravel drive and from Mud Run Rd.

Chairperson Taylor noted there were no other audience members to speak on this case and closed the public hearing at 2:22 p.m.

Chairperson Taylor asked for discussion from the Board.

Ms. Taylor stated she hated to see small road frontage but understands the need for this parcel.

Mr. Smith noted the Applicant cannot get access off of W. Jackson Road and needs the Mud Run Road access. He stated this is the best solution to fix a mess of prior splits.

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

Action on Case #BZA-2019-01 ~ Property Owners/Applicants: Jonathon and Martha Jansen
Agent: Mark Scholl ~ Location: 5801 W. Jackson Rd., Mad River Twp. ~ Request: Variance to Chapter 2, Section A to reduce the remaining frontage of the parent parcel from 150 ft. to 70 ft.

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

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

No: None.

Motion carried.

Land use Regulations Committee Update

Mr. Neimayer stated the committee would meet tomorrow to discuss amendments into the new code format. He reminded the Board that the new zoning code format only goes to the County Planning Commission and Rural Zoning Commission, which will occur in February.

Mrs. Taylor noted the changes will make it more user friendly.

Election of Officers for 2019 deferred to February

This was deferred to the February meeting due to the absence of members.

Staff Comments

Mr. Neimayer stated the next scheduled meetings would be on February 28 and March 28, 2019.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:31 p.m.

Mrs. Jerri Taylor, Chairperson

Mr. Thomas A. Hale, Secretary