

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, March 23, 2017

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mr. Tim Greenwood, 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. Tim Greenwood, Mrs. Jerri Taylor, Ms. Janie Riggs, Mr. Rick Smith and Mr. David Minard.

Absent For Roll Call: Mr. Paul Hazlett

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

Chairperson Greenwood explained how the meeting will be conducted.

Chairperson Greenwood asked if there are any comments regarding the minutes. Ms. Riggs noted typographical errors as follows: page one, last paragraph remove "an"; page 3, paragraph 6, should be "wished"; and page 4, in the motion action remove the extra space in "T_im". Hearing no further comments, Chairperson Greenwood asked for a motion.

Approval of the February 23, 2017 Minutes

Motion by Mr. Smith, seconded by Mr. David Minard, to **Approve** the minutes as presented with the noted corrections.

VOTE: Yes: Mr. Smith, Mr. Minard, Ms. Riggs, Mrs. Taylor and Mr. Greenwood.

No: None.

Abstain: None.

Motion carried.

Case #BZA-2017-03 ~ Property Owner/Applicant: Jeffrey Eggleston ~ Location: 363 S. Hampton Rd.; Bethel Twp. ~ Request: variance under Chapter 2, Section A to reduce the front yard setback from 40 ft. to 17 ft. for a room addition.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 363 S. Hampton Rd. in Bethel Twp. He said it is zoned A-1 (Agricultural District) and consists of 3.28 acres. The Applicant would like to construct an 18 ft. by 40 ft. (720 sq. ft.) addition to the northeast side of the house. Mr. Neimayer said Chapter 2, Section A of the Zoning Regulations requires a minimum 40 ft. front setback. He stated the Applicant filed this variance application requesting to reduce the front setback to 17 ft. to allow for the proposed addition.

Mr. Neimayer stated this section of S. Hampton Rd. has a current right-of-way of 40 ft., approximately 22 ft. from centerline to the subject property. Based on the county's Thoroughfare Plan, which identifies S. Hampton Rd. with a right-of-way of 60 ft., 30 ft. from centerline, the proposed addition

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would have to be 70 ft. from centerline. He said after scaling out the proposed addition using the county's GIS map, the proposed addition would only be 47± ft. from centerline, which translates to a 17 ft. front setback. He noted that Donnels Creek runs through the property and a large portion of the property, approximately 1.9 acres, is located in the floodplain. Mr. Neimayer explained the proposed addition would be outside of this floodplain.

Chairperson Greenwood asked if the Board had questions for Mr. Neimayer.

Mr. Smith asked for the location of the well and septic. Mr. Neimayer deferred this to the Applicant.

Hearing no further questions, Chairperson Greenwood opened this portion of the public hearing at 2:11 pm. and asked if anyone would like to speak in favor of the case.

Mr. Jeffrey Eggleston, 363 S. Hampton Rd., was sworn in. He told the Board he wanted to add a room addition and felt it was the best location. He told the Board the septic was behind the house. He told the Board he would answer any questions. There were no further questions.

Chairperson Greenwood noted there were no audience members to speak in favor or against the case.

Chairperson Greenwood closed this portion of the public hearing at 2:13 pm. and asked for discussion among the Board.

Mr. Neimayer noted for the record that Mr. Minard would be a full voting member.

Mrs. Taylor stated that Chapter 9, Section C, it says special circumstances of the land can warrant a variance. Mrs. Taylor stated the Applicant is in a flood plain with very little area to build. She stated it does not look like it will do any harm to the neighborhood.

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

Action on Case #BZA-2017-03 ~ Property Owner/Applicant: Jeffrey Eggleston ~ Location: 363 S. Hampton Rd.; Bethel Twp. ~ Request: variance under Chapter 2, Section A to reduce the front yard setback from 40 ft. to 17 ft. for a room addition.

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

VOTE: Yes: Mrs. Taylor, Mr. Smith, Mr. Minard and Ms. Riggs.

No: None.

Motion carried.

Zoning Text discussion regarding agricultural use and keeping of animals

Mr. Neimayer and Mrs. Jennifer Tuttle updated the Board on how agricultural use and keeping of animals is defined according to the Ohio Revised Code. Mrs. Tuttle then reviewed proposed zoning text amendments regarding agricultural use and the keeping of animals. She explained the proposed updates to Chapter 2, Section A, Footnote 32; Chapter 2, Section B, Footnote 17; Chapter 8, Section

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H, 7, a) and b) and various definitions under Chapter 10. Mrs. Tuttle reviewed a flow chart to show the criteria used when determining agricultural use. Mr. Neimayer stated that staff has been working with the county prosecutor's office on these proposed amendments to keep in line with zoning authority under the ORC and to provide better definition and explanation to terms used. Mr. Neimayer stated the amendments would be presented to the County Planning Commission and then heard during a public hearing at the Rural Zoning Commission.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is Thursday, April 27, 2017.

Adjournment

Motion by Mr. Smith, seconded by Ms. Riggs, to Adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:32 pm.

Mr. Tim Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary