

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, March 29, 2018

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 2:00 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Jerri Taylor, Mr. Paul Hazlett, Ms. Janie Riggs, Mr. Rick Smith, Ms. Greta Wilt, and Mr. David Minard.

Absent For Roll Call: None.

Also in Attendance: Mr. Allan Neimayer and Ms. Anette Ulery 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 February 22, 2018 Minutes

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

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

No: None.

Motion carried.

Variance Case #BZA-2018-03 ~ Property Owner: Sara Edwards ~ Agent: Bob Sisco: Ohio Power Solutions ~ Location: 4952 Mills Rd.; Green Township ~ Request: Variance to Chapter 2, Section A to reduce the side yard setback from 25 ft. to 15 ft. to allow a 30 ft. by 40 ft. pole barn.

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer, Senior Planner, stated the subject property is located at 4952 Mills Road and consists of 1.58 acres. The property is zoned A-1. The Applicant plans to install solar panels. To minimize tree removal and to maximize the panel's exposure to the sun, the Applicant intends to build a 30 ft. by 40 ft. (1,200 sq. ft.) pole barn. The required side yard setback for the pole barn is 25 ft. The Applicant would like to reduce this setback to 15 ft. If the pole barn was built in the rear yard, there are many trees and would have to be removed.

The Health District is requesting the Applicant to maintain a minimum 10 foot separation from the well to the proposed structure. Mr. Neimayer referenced the Applicant's comments included in the Board's packet. Mr. Neimayer also referenced a letter in support from John and Diane Eichelberger who are the adjacent property owners.

In reviewing this case Staff noticed that the county's GIS shows the subject property under a farmland preservation easement with the Tecumseh Land Trust. When Tecumseh Land Trust Staff was

contacted to confirm, it was discovered the subject property was not included in this farmland preservation easement.

Mr. Neimayer asked if there were any questions for Staff.

Chairperson Taylor asked if the rest of the wooded area is included in the farmland preservation easement. Mr. Neimayer responded yes it is.

Mr. Hazlett asked if there was ample distance from the well. Mr. Neimayer responded it would appear so when compared to zoning and building plans for the house submitted back in 2015. It would be in the Applicant's best interest to work with the Health District before they start building.

Mr. Hazlett asked if there were any issues with the septic or leach bed. Mr. Neimayer responded no.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 2:11 p.m.

Bob Sisco, Agent, Ohio Power Solutions, whose address is 3100 State Route 187, London, Ohio was sworn in. Mr. Sisco stated that the case was very well presented. He had one additional letter to share with the Board from the owners across the street from the subject property who have indicated that they are in love the idea of what the Applicant is proposing.

Mr. Smith asked if he was the one to build a pole barn. Mr. Sisco responded that he is the solar contractor. Another contractor would build the pole barn.

Mr. Hazlett asked if he was aware of any problems on the property as far as wires etc. that would be in the way. Mr. Sisco responded that there were no such issues.

Mr. Hazlett asked if any trees would be removed. Mr. Sisco responded that a couple of trees will be removed.

Chairperson Taylor asked if the Board had any more questions for Mr. Sisco. There were none.

Chairperson Taylor asked if there was anyone else wishing to speak for or against this case. There were none.

Chairperson Taylor closed the public hearing at 2:14 p.m. and asked for discussion from the Board.

Mr. Hazlett stated that he had no issues but stressed that the Applicant maintain the required distance from the well.

Chairperson Taylor agreed that they would have to have something in the motion to preserve the distance from the well.

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

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Action on Variance Case #BZA-2018-03 ~ Property Owner: Sara Edwards ~ Agent: Bob Sisco: Ohio Power Solutions ~ Location: 4952 Mills Rd.; Green Township ~ Request: Variance to Chapter 2, Section A to reduce the side yard setback from 25 ft. to 15 ft. to allow a 30 ft. by 40 ft. pole barn.

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Approve** the Variance request as submitted maintaining the required distance from the well.

VOTE: **Yes:** Mr. Hazlett, Mr. Smith, Ms. Riggs and Ms. Wilt.

No: None.

Motion carried.

Conditional Use Case #BZA-2018-04 ~ Property Owners: Archie & Zondra Muse ~ Applicant; Amy Isaac ~ Location: 3214 Lake Rd.; Bethel Township ~ Request: Conditional Use approval for a Home Occupation under Chapter 7, Section 118, for a quilting business.

Variance Case #BZA-2018-05 ~ Property Owners: Archie & Zondra Muse ~ Agent; Amy Isaac ~ Location: 3214 Lake Rd.; Bethel Township ~ Request: Variance under Chapter 10, definition of Home Occupation (to allow a home occupation in an accessory structure) and Chapter 7, Section 118, 2, g) to allow for one independent contractor.

Chairperson Taylor asked for the Staff Report. Mr. Neimayer stated although he will present these two cases together, the Board must to act on them separately.

Mr. Neimayer stated the subject property is located at 3214 Lake Road and consists of 1.00 acre. The property is zoned R-1 and lies between Crystal Lakes Subdivision to the north, east and west – zoned R-CL, and Cunningham Plat Subdivision to the south – also zoned R-1. The Applicant would like to start a home occupation (quilting) business using an existing accessory structure (pole barn) and to employ one independent contractor.

Mr. Neimayer reviewed the Applicant's plot plan. The far east end of the existing accessory structure is used by the property owners for storage purposes and is not associated with the proposed home occupation business. The front part of the structure would be used for the home occupation business and is approximately half of the structure. The subject property is serviced by public sanitary sewer and onsite well.

Mr. Neimayer stated that Nancy Brown, Bethel Township Trustee, was not able to be at the meeting. She did send Staff an email in support of this request. She does not feel that it would cause any impacts in the neighborhood.

Mr. Neimayer asked if there were any questions for Staff. Chairperson Taylor stated reminded the Board there are two separate applications.

Chairperson Taylor noted a home occupation shall occupy no more than 25% of the home. If the home occupation is located in an accessory structure, she asked if that percentage still stands. Mr. Neimayer responded that because there is no current rule it depends on how the Board would like to act on that.

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Chairperson Taylor asked if there was a requirement for restroom facilities. Mr. Neimayer responded it is not a requirement. However, if the Applicant chose to install restrooms for the home occupation, she would have to work with the Health District.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 2:24 p.m.

Amy Isaac, Agent, whose address is 3214 Lake Road, was sworn in. She stated that a restroom facility is not needed. The reason for the request is for a long arm quilter and that would be in the future, not right now. It is a quiet machine and works just like a domestic machine. The subcontractor is necessary due to the online sales and shipping.

Ms. Isaac stated that she went to college and received a business management degree. She has a passion for this business. The lady that she would like to come in as her subcontractor is the one that introduced the concept to her. The space required for the business is larger than what would be available in the home. There will also be storage for the fabrics.

Ms. Isaac stated that there will be no one pulling into the driveway for services. She does not do repairs. The business consists of the creations, online sales and setting up at vendor events.

Chairperson Taylor asked if there were any questions from the Board.

Mr. Hazlett asked what the building was currently being used for. Ms. Isaac responded that it is being used for storage.

Mr. Hazlett asked for clarification if she owned the property. Ms. Isaac responded that she does not. The property owner is in agreement with the proposal.

Mr. Hazlett asked how many people at any given time could be in there working. Ms. Isaac responded that it would be herself and one other person.

Chairperson Taylor asked if there were any additional questions for Ms. Isaac. There were none.

Chairperson Taylor asked if there was anyone else wishing to speak for or against this case. No one spoke for or against the case.

Chairperson Taylor closed the public hearing at 2:27 p.m. and asked for discussion from the Board.

Chairperson Taylor asked Mr. Neimayer if there was a problem since the Applicant is not the homeowner. Mr. Neimayer responded that the homeowner or an Applicant can apply. Chairperson Taylor asked if anything was needed from the homeowner. The Applicant has stated that there will be no changes to the structure and she understands nothing would be necessary from the homeowner. Mr. Neimayer responded that the applications are signed by the property owner.

Mr. Hazlett asked if the Board got involved with the Applicant as far as electrical service etc. Mr. Neimayer responded that would be the Building Department's responsibility.

Chairperson Taylor re-opened the public hearing at 2:29 to allow Ms. Riggs to ask Ms. Isaac a question.

Ms. Riggs asked if most of the goods being used would be brought in by the business or would they be delivered. Would there be any excessive traffic added to the area. Ms. Isaac responded that the largest delivery would be boards of fabric that are delivered by Federal Express right to the doorstep.

Ms. Riggs asked since the business does on-line sales, would there be shipping done as well. Ms. Isaac responded that the shipping would take place from the shop. UPS will pick up the orders on the porch.

Chairperson Taylor asked if there were any additional questions. Hearing none she closed the public hearing at 2:31 p.m. and asked for discussion from the Board.

Chairperson Taylor reminded the Board to look at each request individually.

Chairperson Taylor stated that the land is not changing, there would be no new structures and it is important to support small businesses in our community.

Ms. Wilt stated that the building seemed to be isolated and does not seem to impose any problems on neighbors.

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

Action on Conditional Use Case #BZA-2018--04 ~ Property Owners: Archie & Zondra Muse ~ Agent; Amy Isaac ~ Location: 3214 Lake Rd.; Bethel Township ~ Request: Conditional Use approval for a Home Occupation under Chapter 7, Section 118, for a quilting business.

Motion by Mr. Hazlett, seconded by Ms. Wilt, to **Approve** the Conditional Use request as submitted.

VOTE: **Yes:** Mr. Hazlett, Ms. Wilt, Ms. Riggs and Mr. Smith.

No: None.

Motion carried.

Action on Variance Case #BZA-2018--05 ~ Property Owners: Archie & Zondra Muse ~ Agent; Amy Isaac ~ Location: 3214 Lake Rd.; Bethel Township ~ Request: Variance under Chapter 10, definition of Home Occupation (to allow a home occupation in an accessory structure) and Chapter 7, Section 118, 2, g) to allow for one independent contractor.

Motion by Mr. Hazlett, seconded by Ms. Riggs, to **Approve** the Variance requests as presented.

VOTE: **Yes:** Mr. Hazlett, Ms. Riggs, Ms. Wilt and Mr. Smith.

No: None.

Motion carried.

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Staff Comments

Mr. Neimayer stated there are upcoming cases and there will be a meeting on April 26, 2018. He reviewed an amendment to Rule 9 of the Rules and Procedures.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:48 p.m.

Mrs. Jerri Taylor, Chairperson

Mr. Thomas A. Hale, Secretary