

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm. Springview Government Center
Thursday, April 26, 2018

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 p.m. and asked for the Roll Call.

Present For Roll Call: Mrs. Taylor, Mr. Hazlett, Mr. Minard, Ms. Riggs, Mr. Smith and Ms. Wilt.

Absent For Roll Call: None.

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. A couple of grammar corrections on Page 3 were noted by Ms. Riggs. Chairperson Taylor asked for a motion to approve the minutes as corrected.

Approval of the March 29, 2018 Minutes

Motion by Mr. Smith, seconded by Mr. Minard, to **Approve** the minutes with grammar corrections on Page 3.

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

No: None.

Motion carried.

Variance Case #BZA-2018-07 ~ Property Owners/Applicants: Robert & Nancy Salyers ~ Location: 460 S. Urbana-Lisbon Rd.; Harmony Twp. ~ Request: Variance to Chapter 2, Section A to reduce the side yard setback from 25 ft. to 5 ft. for a new detached garage.

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer, Senior Planner, stated the subject property is located at 460 S. Urbana-Lisbon Rd. and consists of 5.00 acres. The property is zoned A-1 (Agricultural District). The Applicants would like to construct a 24 ft. by 32 ft. (768 sq. ft.) detached garage in the side yard. Due to side yard setback issues, the Applicants are requesting to reduce the side yard setback from 25 ft. to 5 ft. Mr. Neimayer stated an accessory structure is permitted in the side yard but must follow the side yard setbacks of the primary structure. Under Chapter 2, Section A (Agricultural District), the side yard setback for a primary structure is 25 ft. Mr. Neimayer reviewed the Kokomo soil and drainage and building issues. He noted that Jereme Best, Clark Soil and Water, concurs with drainage patterns in the area and believes the side yard is the better location for the proposed detached garage. Mr. Neimayer asked if there were any questions for Staff.

Mr. Smith asked about the leach field location. Mr. Neimayer responded he did not receive that information.

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With no further questions for Staff, Chairperson Taylor opened the public hearing at 2:06 p.m.

Robert Salyers, 460 S Urbana-Lisbon Rd., was sworn in. He stated the septic is to the north of the house. He explained that his yard filled with 8,000 gallons of water during the last rain event. He stated the proposed location is the least problematic area of his yard and noted his neighbor is in favor of the location.

Mr. Hazlett asked if the area for detached garage is elevated. Mr. Salyers responded it is not.

Mr. Hazlett asked if the Applicant ever had problems with flooding of the house. Mr. Salyers responded he been there 12 years and this past rain event was the closest to reaching the house.

Ms. Wilt asked if the detached garage could be moved closer to the house. Mr. Salyers responded there was a lot of water there too. The driveway is not an issue because the water comes from the east.

Mr. Hazlett asked how long the house had been there and if the Applicant would be satisfied with the location. Mr. Salyers responded 1977 and yes, he would be satisfied with the location. The mature pine trees will help hide it.

Chairperson Taylor asked if the Board had any more questions for the Applicant. 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 2:11 p.m. and asked for discussion from the Board.

Mr. Hazlett stated his main concern is the setback with the water and drainage issue.

Chairperson Taylor asked what was next to the Applicant's property. Mr. Neimayer responded it is a hay field.

Mr. Hazlett stated the location should not be a problem.

Chairperson Taylor noted that the water issue is a factor in placing the structure. Mr. Neimayer noted that moving it to another location, further back, would defeat purpose of the garage.

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

Action on Variance Case #BZA-2018-07 ~ Property Owners/Applicants: Robert & Nancy Salyers ~ Location: 460 S. Urbana-Lisbon Rd.; Harmony Twp.~ Request: Variance to Chapter 2, Section A to reduce the side yard setback from 25 ft. to 5 ft. for a new detached garage.

Motion by Mr. Smith, seconded by Mr. Hazlett, to **Approve** the Variance request as submitted.

VOTE: **Yes:** Mr. Smith, Mr. Hazlett, Ms. Riggs, and Ms. Wilt.
 No: None.

Motion carried.

Variance Case #BZA-2018-08 ~ Property Owner/Applicant: T & R Properties ~ Location: SE corner of Middle Urbana Rd. & Tehan Court; Moorefield Twp. ~ Request: Variance to Chapter 6, Section B, 3, e) to reduce the 12 ft. front setback to 0 (zero) ft. from the right-of-way for a new sign

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer stated the subject property is located at the southeast corner of Middle Urbana Rd. and Tehan Court, and consists of 3.02 acres. The property is zoned R-4'S' (Multiple-Family Residence District, Specific Use). The Applicant is updating the signage for the Ashton Meadows Apartments development. The previous sign was at a zero setback from the right-of-way. The new sign was located by the sign company in compliance with zoning setback requirements for signs. However, the Applicant would like the new sign to be located in the same location as the previous sign and, therefore, is requesting to reduce the sign setback from 12 ft. to 0 (zero) ft. from the Middle Urbana Rd. right-of-way. Under Chapter 6, Section B, 3, e) it states, "Free standing or ground signs shall not be located closer than twelve (12) feet to any existing or proposed street right-of-way, and not closer than thirty (30) feet to any adjoining lot line." Mr. Neimayer reviewed some slides to illustrate the change in elevation of Middle Urbana Rd adjacent to the subject property. He then asked if there were any questions for Staff.

Mr. Smith asked how far is the current sign from the side road (Tehan Ct.). Mr. Neimayer responded it is 12 ft. from Tehan because it is a public right-of-way.

Ms. Riggs asked where the old sign was located. Mr. Neimayer responded it was along the right-of-way – either on or barely encroaching into the right-of-way. Ms. Riggs asked if the sign had lighting. Mr. Neimayer responded he did not think so.

Chairperson Taylor asked if the Applicant wanted to put the new sign back in the old sign location. Mr. Neimayer responded that is correct. Chairperson Taylor asked if it is an obstruction of the view. Mr. Neimayer responded he felt the sign is more visible where it currently is.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 2:23 p.m.

Miles Horton, representing T & R Properties, the Applicant, 3895 Stoneridge Lane, Dublin, OH was sworn in. Mr. Horton stated they had hired a third party vendor for the new sign. The sign company did not communicate any setback issues with the Applicant and located the sign where it was approved. He feels there is low visibility with the mounding of the area. Mr. Horton stated he would be open to a happy medium, but felt the sign is being pushed back to far and it is getting lost. The Applicant wants an inviting presence into the development. Mr. Horton noted they had removed an old fence and wanted to create a better corridor. He stated he does not want to create traffic issues with the sign. The intent is to reinvest to make the development more aesthetically pleasing. He noted that it is an awkward corner and he does not want a commercial feel.

Chairperson Taylor noted that the Applicant would entertain a compromise.

Chairperson Taylor asked if the Board had any more questions for the Applicant. 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 2:29 p.m. and asked for discussion from the Board.

Mr. Hazlett stated he felt it could be a hazard. He noted the elevation causes an issue. He stated he realizes the need for the sign to be more visible, but he is worried moving it would be more of a safety issue. Mr. Hazlett noted he would recommend removing the bushes.

Mr. Smith stated the size of the sign may impede traffic. Therefore, the current location is the best place.

Chairperson Taylor stated she did not feel the old location was the appropriate location. She asked if the Board was interested in a compromise and move half the distance.

Mr. Smith stated he felt it should maintain the 12 ft. regardless.

Ms. Wilt noted the sign aligns nicely with another sign down the road.

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

Action on Variance Case #BZA-2018-08 ~ Property Owner/Applicant: T & R Properties ~ Location: SE corner of Middle Urbana Rd. & Tehan Court; Moorefield Twp. ~ Request: Variance to Chapter 6, Section B, 3, e) to reduce the 12 ft. front setback to 0 (zero) ft. from the right-of-way for a new sign

Motion by Mr. Smith, seconded by Mr. Hazlett, to **Approve** the Variance request as submitted.

VOTE:

Yes: Ms. Riggs

No: Mr. Smith, Mr. Hazlett, Ms. Wilt.

Motion denied. As a result, the variance request is denied.

Variance Case #BZA-2018-09 ~ Property Owner/Applicant: William Shoemaker Trustee ~ Location: 5700 Urbana Rd.; Moorefield Twp. ~ Request: Variance to Chapter 2, Section H, Footnote 1 to reduce the lot frontage width from 150 ft. to 50 ft.

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer stated the subject property is located at 5700 Urbana Rd. and consists of 31.05 acres. The property is zoned B-3 (General Business District). The adjacent property owner of 5600 Urbana Rd. is starting up a truck storage and transport business and needs additional land. That property owner would like to purchase approximately 8.3 acres fronting along Urbana Rd. to be combined with his current parcel, which is also zoned B-3. The 8.3 acres would have 298 ft. of frontage leaving the subject property with 50 ft. of frontage and approximately 22.75 acres, hence the variance request.

Chapter 2, Section H, Footnote 1 of the Clark County Zoning Regulations states all uses shall have a minimum frontage of 150 ft. when no public sewer or water is available. Mr. Neimayer noted the subject property is not serviced by public water or sanitary sewer. In 2009 a cell tower was located at the highest point of the subject property. The surrounding wooded area serves as a buffer area to the residential development to the east. He referenced a the letter from the County Engineer's Department that suggest the drive to cell tower be relocated. Mr. Neimayer asked if there were any questions for Staff.

With no questions for Staff, Chairperson Taylor opened the public hearing at 2:40 p.m.

Mark Scholl, Scholl Surveying, 1533 Moorefield Rd, was sworn in. Mr. Scholl stated Rex Wheeler, the adjacent property owner, has a trucking transport businesses and is in contract with Navistar for light truck storage. He noted he purchased the old Shoemaker Ford lot and surrounding properties and now needs this 8.3 acres for his business. Mr. Scholl stated Mr. Shoemaker (property owner) would like to keep the wooded area for running 4-wheelers and hunting. Mr. Scholl stated the remaining 22+ acres is steep topography with 100 ft. of elevation difference and would require a lot to develop. He said the lower 8+ acres is all level and the ground that Mr. Wheeler would can purchase would satisfy what he needs. Mr. Scholl said the existing drive on north is on the adjoining property. He said the 50 ft. strip will be on the Shoemaker property. He explained the cell phone tower as a 99-year lease but was not sure about the drive and if it was used. He noted Mr. Wheeler is willing to give the cell tower company an easement to tie into the existing access drive. He noted that the facility will create 100 new jobs.

Chairperson Taylor how much more land would be usable with the frontage reduction. Mr. Scholl responded it gives Mr. Wheeler another acre of land to use for the storage of trucks. Mr. Scholl also noted they could not leave a landlocked parcel.

Chairperson Taylor asked if any other audience members wished to speak on this case.

Rex Wheeler, 5600 Urbana Rd., was sworn in. Mr. Wheeler stated he is excited to be in Springfield and has received a warm welcome over last year and a half. He stated he bought Shoemaker's property and Jeff Castle's home and some other surrounding parcels. He also purchased Forrest Adkin's property and is allowing him to stay there. Mr. Wheeler stated Navistar did not have enough property to store the General Motors and Navistar built trucks. He stated as vehicles leave production GM has to store them so he needed to purchase more land for storage. Mr. Wheeler worked with Billy Shoemaker in purchasing the property, but he wants to keep the back (22+ acre) lot area. Mr. Wheeler noted the request is to reduce the access strip to the back lot area down to 50 ft. He stated the next step will be to work with the cell phone tower company and eliminate the current drive and work out a shared access. He noted he has upgrades planned for the future and he is hoping for 100 new jobs.

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

Phil Rinehart, 5780 Middle Urbana, was sworn in. Mr. Rinehart stated he is a shareholder with the property to the North where the 50 ft. access strip is proposed. He noted there is a drainage issue in the area and it would be problematic if a new drive for the cell tower was put in the 50 ft. He noted he is thrilled to have a neighbor.

With no other member of the audience to speak on this case, Chairperson Taylor closed the public hearing at 2:58 p.m. and asked for discussion from the Board.

Mr. Hazlett noted the property is zoned business. He stated he did not foresee any development in the wooded area. He said as long as the Applicant works with the cell tower company, there are not any issues. Mr. Hazlett said the Applicant could use the area in the best way.

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Chairperson Taylor stated it is nice to have development that is not taking land from agricultural use. She stated the Applicant is reusing the area and it is good to have something in that location. She stated she felt the Applicant thought through potential issues ahead of time.

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

Action on Variance Case #BZA-2018-09 ~ Property Owner/Applicant: William Shoemaker Trustee ~ Location: 5700 Urbana Rd.; Moorefield Twp. ~ Request: Variance to Chapter 2, Section H, Footnote 1 to reduce the lot frontage width from 150 ft. to 50 ft.

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

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

No: None.

Motion carried.

Variance Case #BZA-2018-10 ~ Property Owner/Applicant: Angela High ~ Location: 141 Frayne Dr.; Bethel Twp. ~ Request: Variance to Chapter 2, Section B, to allow the side setback at 5 ft. instead of required 6 ft. and sum of both sides setback at 12 ft. instead of the required 16 ft. to allow for an attached garage addition to the existing home.

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer stated the subject property is located at 141 Frayne Dr. and consists of 0.19 acres. The property is Lot #1024 in the Park Layne Manor Subdivision, Section 4, Part 4, and is zoned R-2A (Medium Density Single-Family Residence District). The Applicant would like to build a 20 ft. by 32 ft. attached garage. Due to side yard setback issues, the Applicant is requesting to allow the side setback at 5 ft. instead of required 6 ft. and sum of both sides setback at 12 ft. instead of the required 16 ft. Last year the Applicant requested a variance to Chapter 8, Section B, 2, e, 1, a, 2) to reduce the setback for an in-ground swimming pool from the principal structure and property line from 10 ft. to 3 ft., and to allow the pool partly in the side yard. That variance request was approved on April 27, 2017.

Chapter 2, Section B, of the Clark County Zoning Regulations, states a single family dwelling shall have the following minimum setback requirements: Front: 25; Side least: 6, Sum of sides: 16 and Rear: 25 ft.

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

Mr. Smith asked for the setback of the existing garage. Mr. Neimayer responded at least 6 ft.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 3:05 p.m.

Angela High, Applicant, 141 Frayne, was sworn in. She stated she is asking for 2 ft. more than current regulations allow.

Chairperson Taylor asked if the existing garage is going to stay. Ms. High responded yes.

Mr. Hazlett asked if the garage would come flush to the front of the house. Mr. Neimayer responded yes.

Chairperson Taylor told the Applicant she was developing most of the lot and really could not develop anymore. Ms. High stated she could not move because she has family that lives behind her.

Chairperson Taylor asked if the Board had any more questions for the Applicant. 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 3:09 p.m. and asked for discussion from the Board.

Mr. Hazlett stated he did not have issues with the request. He stated it fits the surrounding area.

Ms. Wilt stated she did not see a problem since it does not extend further than the front of the house.

Chairperson Taylor noted it is only 1-2 ft. and it is not a horrible reduction from 12 ft. from 16 ft. She noted the property is maintained.

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

Action on Variance Case #BZA-2018-10 ~ Property Owner/Applicant: Angela High ~ Location: 141 Frayne Dr.; Bethel Twp. ~ Request: Variance to Chapter 2, Section B, to allow the side setback at 5 ft. instead of required 6 ft. and sum of both sides setback at 12 ft. instead of the required 16 ft. to allow for an attached garage addition to the existing home.

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Approve** the Variance request as submitted.

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

No: None.

Motion carried.

Amendments to BZA Rules of Procedure

Motion by Mr. Hazlett, seconded by Ms. Riggs, to **Approve** the amendments to the BZA Rules of Procedure as submitted.

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

No: None

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings are May 24 and June 28.

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Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:19 p.m.

Mrs. Jerri Taylor, Chairperson

Mr. Thomas A. Hale, Secretary