

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, April 27, 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, Mr. Paul Hazlett, Mr. Rick Smith and Mr. David Minard.

Absent For Roll Call: Mrs. Jerri Taylor and Ms. Janie Riggs.

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

Chairperson Greenwood asked if there are any comments regarding the minutes. Hearing none he asked for a motion to approve.

Approval of the March 23, 2017 Minutes

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

VOTE: Yes: Mr. Smith, Mr. Minard and Mr. Greenwood.

No: None.

Abstain: Mr. Hazlett.

Motion carried.

Case BZA-2017-04 ~ Property Owner/Applicant: Angela High ~ Location: 141 Frayne Dr., Bethel Township ~ Variance under Chapter 8, Section B, 2, e, 1, a, 2) to reduce the in-ground swimming pool setback from a principal structure and property line from 10 ft. to 3 ft., and to allow the pool partly in the side yard.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 141 Frayne Drive and consists of approximately 0.19 acres. It is also referenced as Lot #1024 of the Park Layne Manor Subdivision, Section 4, Part 4. He stated the property is zoned R-2A with R-4 and B-2 surrounding the property. Mr. Neimayer said the Applicant would like to install an in-ground swimming pool in the side and rear yard area. He said the proposed location of the pool would be approximately three feet from the house and the side (south) lot line. Mr. Neimayer explained that Chapter 8, Section B, 2, e, 1, a, 2) of the zoning regulations states, "The swimming pool shall be located completely in the rear yard and shall not be located closer than ten (10) feet to the principal structure or any property line."

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Mr. Neimayer stated he explained to the Applicant the concerns from the County Engineer's Department.

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

Mr. Hazlett asked if a fence was required for in ground or above ground pool. Mr. Neimayer responded both require a safety mechanism, but an in ground pool also requires a fence.

Hearing no further questions, Chairperson Greenwood opened this portion of the public hearing at 2:05 pm. and asked if anyone would like to speak in favor of the case.

Angela High and James High, Property Owners/Applicants, 141 Frayne Drive, were sworn in. Ms. High stated they currently have a fence around the entire back property. She explained it would be removed for installation and then put back. She noted that the location of the pool will be around 10 ft. from the rear property line. She stated the pool company would use stabilizers and she felt that addressed the County Engineer's Department's concerns of collapsing.

Mr. Greenwood asked if the Applicants were going to move the shed. Ms. High responded it had already been moved.

Mr. Hazlett asked how long the Applicants have lived at the residence. Ms. High stated she grew up in the house.

Mr. Hazlett asked if the Applicants were in good standing with their neighbors. Ms. High responded yes.

Chairperson Greenwood asked if any audience members would like to speak in favor or against the case. Hearing none, he closed this portion of the public hearing at 2:10 pm. and asked for discussion among the Board.

Mr. Hazlett stated the Applicants are established residents, in good standings with their neighbors and that the information presented supports the request.

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

Action on Case BZA-2017-04 ~ Property Owner/Applicant: Angela High ~ Location: 141 Frayne Dr., Bethel Township ~ Variance under Chapter 8, Section B, 2, e, 1, a, 2) to reduce the in-ground swimming pool setback from a principal structure and property line from 10 ft. to 3 ft., and to allow the pool partly in the side yard.

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

VOTE: Yes: Mr. Hazlett, Mr. Smith, and Mr. Minard.

No: None.

Motion carried.

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Case BZA-2017-05~ Owners: Martin & Carolyn Spears~ Location: 6745 Dolly Varden Road, Madison Township ~Variance under Chapter 2, Section A to reduce the front yard setback from 40 ft. to 18 ft. for an addition to the south side of the dwelling.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 6745 Dolly Varden Road and consists of 99.13 acres. He said the property is zoned A-1. Mr. Neimayer explained the Applicant would like to add a 7 ft. by 18 ft. (126 sq. ft.) closet addition to the south side of the house. Because this proposed addition would not comply with the front yard setback requirement, the Applicant has filed this variance request. Mr. Neimayer explained that the house was non-conforming and any enlargement, extension or expansion would need BZA approval. He explained that Chapter 2, Section A of the zoning regulations require a front yard setback of 40 ft. from the current right-of-way or the right-of-way identified by the Thoroughfare Plan, whichever is greater. Dolly Varden Road is currently a 40 ft. ROW (20 ft. from centerline). The Thoroughfare Plan identifies this section of Dolly Varden Road as a Collector Road with a ROW of 60 ft. (30 ft. from centerline). Therefore, the required front yard setback is 70 ft. from centerline. The proposed addition would only be 58 ft. from centerline.

Chairperson Greenwood asked if the Board had questions for Mr. Neimayer. There were no questions for Staff.

Chairperson Greenwood opened this portion of the public hearing at 2:15 pm. and asked if anyone would like to speak in favor of the case.

Martin Spears, Property Owner/Applicant, 6745 Dolly Varden Road, was sworn in. Mr. Spears stated he bought the home in 1990 and has farmed the area. He stated the addition is a walk-in closet because he and his wife needed to move their bedroom downstairs due to health reasons.

Chairperson Greenwood noted there were no audience members and, therefore, no one else to speak in favor or against the case. He closed this portion of the public hearing at 6:18 pm. and asked for discussion among the Board.

Mr. Hazlett stated there were no issues with the request and it did not change anything in the big picture.

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

Action on Case BZA-2017-05 ~ Owners: Martin & Carolyn Spears ~ Location: 6745 Dolly Varden Road, Madison Township ~ Variance under Chapter 2, Section A to reduce the front yard setback from 40 ft. to 18 ft. for an addition to the south side of the dwelling.

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

VOTE: Yes: Mr. Hazlett, Mr. Minard and Mr. Smith.

No: None.

Motion carried.

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Staff Comments

Mr. Neimayer stated the next scheduled meeting is Thursday, May 25, 2017. Mrs. Tuttle told the Board there will be three cases.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:20 pm.

Mr. Tim Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary