

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, May 25, 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, Mrs. Jerri Taylor, Ms. Janie Riggs and Mr. David Minard.

Absent For Roll Call: None

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 anyone wished to abstain from any of the cases. Mrs. Taylor stated she would abstain from Case #BZA-2017-07.

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

Approval of the April 27, 2017 Minutes

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

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

No: None.

Abstain: Ms. Riggs and Mrs. Taylor

Motion carried.

Case #BZA-2017-06 ~ Property Owner/Applicant: Noelle Gehm, O.D. ~ Location: 10551 W. National Road, New Carlisle, in Bethel Township ~ Request: Variance under Chapter 2, Section G, to reduce the front yard setback from 50 ft. to 39 ft. and the corner front setback from 50 ft. to 27 ft. for a room addition.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 10551 W. National Rd. and consists of 1.35 acres. He said the property is zoned A-1. Mr. Neimayer stated the Applicant is converting the existing home into her optometry office would like to add a 22 ft. by 25 ft. (550 sq. ft.) patient room addition to the east side of the building. He noted that the property is a corner lot and because the proposed addition would not comply with front yard setback requirements, the Applicant has filed this variance request. He further explained that the Applicant is in the process of rezoning the subject property from A-1 to O-1 (Office Business District). Mr. Neimayer stated Chapter 2, Section G of the zoning regulations requires a front yard setback of 50 ft. from the right-of-way. He said the ROW of this section of W. National Rd. is 80 ft. (45 ft. from centerline, accounting for left turning lane), and the

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Thoroughfare Plan ROW for S. Medway-New Carlisle Rd. is 80 ft. (40 ft. from centerline); therefore, the required front yard setbacks are 95 ft. from the centerline of W. National Rd., and 90 ft. from the centerline of S. Medway-New Carlisle Rd. He said the proposed addition would only be approximately 85 ft. from the centerline of W. National Rd. and approximately 50 ft. from the centerline of S. Medway-New Carlisle Rd. Mr. Neimayer explained that the access point closest to the intersection, was going to be closed to allow the addition. Mr. Neimayer noted the applicant was present and he could answer any questions from the Board.

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

Mrs. Taylor asked which access point was going to be closed. Mr. Neimayer stated the access point closest to the intersection. Mrs. Taylor asked if the drive would look like a u-shape drive. Mr. Neimayer stated in and out access would be the same.

Hearing no further questions, Chairperson Greenwood opened this portion of the public hearing at 2:06 pm. and asked if anyone would like to speak in favor of the case.

Applicant, Noelle Gehm, stated she was present, but did not need to speak.

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 2:07 pm. and asked for discussion among the Board.

Mr. Hazlett stated he did not see any issues with the request.

Mr. Smith stated safety issues will be addressed by moving the access drive.

Mrs. Taylor stated there is an established business behind the property and she felt this would make a good addition to the area.

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

Action on Case #BZA-2017-06 ~ Property Owner/Applicant: Noelle Gehm, O.D. ~ Location: 10551 W. National Road, New Carlisle, in Bethel Township ~ Request: Variance under Chapter 2, Section G, to reduce the front yard setback from 50 ft. to 39 ft. and the corner front setback from 50 ft. to 27 ft. for a room addition.

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

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

No: None.

Motion carried.

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Case #BZA-2017-07 ~ Property Owners/Applicants: Property Owners William & Jerri Taylor ~ Location: 6552 Fletcher Chapel Road, in Harmony Township~ Request: Variance under Chapter 2, Section A, to reduce the front setback from 40 ft. to 34 ft. to allow for a room addition

Chairperson Greenwood noted Mr. Minard would be a voting member for this case.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 6552 Fletcher Chapel Rd. and consists of 10.13 acres. He said the property is zoned A-1. Mr. Neimayer explained that the Applicants would like to add a 4 ft. by 14 ft. 2-story addition to the south side of the building and because the proposed addition does comply with front yard setback requirement, the Applicants have filed this variance request. Mr. Neimayer explained that Chapter 2, Section A of the zoning regulations requires a front yard setback of 40 ft. from the right-of-way. He noted that the ROW of this section of Fletcher Chapel Rd. is 60 ft. (30 ft. from centerline); therefore, the required front yard setback is 70 ft. from the centerline of Fletcher Chapel Rd. He stated the proposed addition would only be approximately 64 ft. from the centerline of Fletcher Chapel Rd. He said because the existing house is approximately 25-27 ft. from the front property line it is a non-conforming structure. He noted the proposed addition, however, would not be any closer to Fletcher Chapel Rd. than what the house is.

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 2:10 pm. and asked if anyone would like to speak in favor of the case.

The Applicant and Applicant's Agent were present, but did not wish to speak.

Chairperson Greenwood asked if anyone wished to speak in favor or against the case. No one spoke. He closed this portion of the public hearing at 2:11 pm. and asked for discussion among the Board.

Mr. Hazlett stated the case was very similar to a case the Board approved last month. He noted the farm house was an established farm house that just didn't meet current setbacks. He stated he did not have any issues with the request.

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

Case #BZA-2017-07 ~ Property Owners/Applicants: Property Owners William & Jerri Taylor ~ Location: 6552 Fletcher Chapel Road, in Harmony Township ~ Request: Variance under Chapter 2, Section A, to reduce the front setback from 40 ft. to 34 ft. to allow for a room addition

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

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

No: None.

Motion carried.

Case #BZA-2017-08 ~ Property Owner/Applicant: Fairfield Lakes LLC ~ Location: 5640 Lower Valley Pike, in Bethel Township ~ Request: Variance under Chapter 2, Section A, footnote 6, to allow an increase in the maximum lot size from 4.99 acres to 7.365 acres.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 5640 Lower Valley Pike and consists of 4.972 acres. He said the property is zoned A-1 and was recently split (Clustered Lot Split) to create a 4.972 acre parcel (Tract "B") along with an adjacent 4.622 acre parcel (Tract "A"). He explained due to family matters, the Applicant would like to increase the acreage of Tract "B" to 7.365 acres thereby reducing Tract "A" to 2.580 acres. Mr. Neimayer explained that the proposed lot split/attachment does not comply with the maximum lot size in the A-1 District so the Applicant has filed this variance request. Mr. Neimayer explained that Chapter 2, Section A, Footnote #6 of the zoning regulations limits the maximum size of lots to 4.99 acres. He explained that two parcels are involved when creating the clustered lots, which are only permitted in the A-1 District, and rezoning to a Residential District is not an option. He explained the request to increase the lot size of Tract "B" would need a variance. Mr. Neimayer noted that he had received a letter for the Parks in support of the request.

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

Mr. Hazlett asked if there was an issue with the building being too close to property line. Mr. Neimayer stated there is a small structure on track B and it should be a 10 ft. setback. He told the Board they would have to act on the reduction as well.

Mrs. Taylor asked if the lot decreases to a 2.5 acre lot, would it still be a cluster lot. Mr. Neimayer stated yes, and they will continue to share the drive.

Ms. Riggs asked if the request created a landlocked parcel or the cluster lot meant it had frontage. Mr. Neimayer stated that the frontage is through the cluster utilizing an existing drive. He stated all will share the access from Lower Valley Pike. Ms. Riggs asked if the easement went through track B and track A. Mr. Neimayer stated yes and explained that the easement is actually to the East. He stated there is access for the parks also.

Mrs. Taylor asked who would maintain the easement. Mr. Neimayer stated the drive is maintained by the owner of track A, track B, and the Park.

Chairperson Greenwood opened this portion of the public hearing at 2:21 pm. and asked if anyone would like to speak in favor of the case.

Applicant, Mike Hufford, 2112 Amarillo Ave., was sworn in. Mr. Hufford stated the little structure is a shell of an older house and it will be torn down. Mr. Hufford said the lot lines will not be an issue. Mr. Hufford stated he is a developer and bought the 108 acres with plans for a subdivision. He stated the Parks wanted to preserve the land, so he sold it to the parks and the family now has life estate use rights on the land. Mr. Hufford stated his son is moving in track B and he is going to sell track A, hopefully with no boundary to the park land. He stated this request isolates the track A so it doesn't abut the park land. Mr. Hufford noted the park is in favor and provided a letter.

There were no questions for the applicant.

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Chairperson Greenwood asked if any audience members wished to speak in favor or against the case. No one spoke. He closed this portion of the public hearing at 2:24 pm. and asked for discussion among the Board.

Mr. Hazlett stated he had no issues with the request and the Applicant answered questions with testimony.

Ms. Taylor stated the applicant worked with parks to preserve land and she does not see any issues with the request.

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

Case #BZA-2017-08 ~ Property Owner/Applicant: Fairfield Lakes LLC ~ Location: 5640 Lower Valley Pike, in Bethel Township ~ Request: Variance under Chapter 2, Section A, footnote 6, to allow an increase in the maximum lot size from 4.99 acres to 7.365 acres.

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

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

No: None.

Motion carried.

Case #BZA-2017-09 ~ Property Owner/Applicant: Tessa Smith ~ Location: 503 Lake Shore Dr., in Bethel Township ~ Request: Variance under Chapter 2, Section F, to reduce the corner front setback from 25 ft. to 16 ft. to allow for a porch.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 503 Lakeshore Dr. in Crystal Lakes and consists of 0.23 acres. He stated the property is zoned R-CL. Mr. Neimayer explained that the Applicant would like to add a 12 ft. by 21 ft. (252 sq. ft.) porch to the west side of the house which is a corner lot. He said because the proposed porch does not meet front setback requirements, the Applicant has filed this variance request. Mr. Neimayer explained Chapter 2, Section F of the zoning regulations requires a minimum 25 ft. setback from the front property line. Mr. Neimayer told the Board the Crystal Lakes Association had also been notified of the request.

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

Mrs. Taylor asked how close the porch was to the lot line. Mr. Neimayer stated it would be about 9 ft. and it would not be closer or stick out further than the house. He stated the house is non-conforming. Mrs. Taylor asked if there would be visibility issues. Mr. Neimayer stated no. He stated the roads are all dead end road with no through traffic.

Chairperson Greenwood opened this portion of the public hearing at 2:30 pm. and asked if anyone would like to speak in favor of the case.

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Dewayne Logan, 119 Frayne Dr., was sworn in. Mr. Logan, Applicant's agent, explained that the applicant already combined the property. He stated the porch roof will be 11 ft. by 20 ft. and it will be built over the current concrete slab. He stated the porch project was due to a tree falling and knocking down the porch roof. He stated the homeowner wanted to build the porch with better materials.

Chairperson Greenwood noted there were no audience members; therefore, no one else was present to speak in favor or against the case. He closed the portion of the public hearing at 2:32 pm. and asked for discussion among the Board.

Mrs. Taylor stated she did not see any issues with the request.

Mr. Hazlett stated the size of the lot and the current structure location limits the owner and that is why the Board is there.

Chairperson Greenwood added that combining the lots would also make it better.

Ms. Riggs stated it would be an improvement to the property.

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

Case #BZA-2017-09 ~ Property Owner/Applicant: Teressa Smith ~ Location: 503 Lake Shore Dr., in Bethel Township ~ Request: Variance under Chapter 2, Section F, to reduce the corner front setback from 25 ft. to 16 ft. to allow for a porch.

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

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

No: None.

Motion carried.

Staff Comments

Mr. Neimayer told the Board the next scheduled meeting was June 29, 2017.

Board Comments

The Board asked for an update on the Enon, Sand & Gravel property off of Fairfield Pike. Mr. Neimayer explained that the comment period with ODNR is over and staff is waiting on ODNR's action. He explained that there has been a change in the county prosecutor's office and staff has met with the new assistant county prosecutor assigned to the department.

With regards to the Tremont City Road gravel pit case, Mr. Neimayer informed the Board that case was still in court.

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Adjournment

Motion by Mr. Smith, seconded by Mrs. Taylor, to Adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:38 pm.

Mr. Tim Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary