

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9 a.m.
Thursday, June 13, 2019

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Chairperson Ken Brust of the Clark County Rural Zoning Commission called the meeting to order at 9 am. and asked for the Roll Call.

Present For Roll Call: Mr. Ken Brust, Mr. Bob Jurick, Mr. Pete Lane, Mr. Wayne Leis, Mr. John Hays and Mr. Larry Spahr

Absent For Roll Call: None.

Chairperson Brust asked for the approval of the minutes.

Approval of the February 14, 2019 Minutes

Motion by Mr. Lane, seconded by Mr. Hays, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Lane, Mr. Hays and Mr. Brust.

No: None.

Abstain: Mr. Leis, Mr. Jurick and Mr. Spahr.

Motion carried.

Approval of the May 9, 2019 Minutes

Motion by Mr. Leis, seconded by Mr. Jurick, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Leis, Mr. Jurick, Mr. Brust, Mr. Spahr and Mr. Lane.

No: None.

Abstain: Mr. Hays.

Motion carried.

Rezoning Case #Z-2019-03 ~ Property Owner/Applicant: Paul Wright ~ Location: 11172 Lower Valley Pike: Bethel Twp.~ Request: Rezone from B-1 (Neighborhood Business District) to R-1 (Rural Residence District)

Mrs. Jennifer Tuttle, Planner, stated the subject property is located at 11172 Lower Valley Pike and consists of 0.49 acres. The property is currently zoned B-1 (Neighborhood Business District). The Applicant would like to rezone the property to R-1 (Rural Residence District) to continue the residential use. She stated the subject property was originally zoned R-1, single family. The owner of the property in 1967 received approval on August 24, 1967 to rezone the property to B-1 (Neighborhood Business District) to expand a farm market stand. Zoning of the property has remained as B-1 and the dwelling has been a legal, non-conforming use since 1967.

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The CONNECT Clark County Land Use Plan identifies the subject area as Suburban Living, Low Intensity: Single family homes arranged along wide, curvilinear streets with few intersections and will either front or back onto shared natural areas. There is no floodplain in the subject area and no public water or public sanitary sewer in the subject area. Mrs. Tuttle explained the current right-of-way of this section of Lower Valley Pike is 50 ft., 25 ft. from centerline. The county's Thoroughfare Plan identifies this section of Lower Valley Pike as a Secondary Arterial with a projected right-of-way of 80 ft., 40 ft. from the centerline. Based on county GIS mapping, the overhang of the existing fruit stand appears to encroach into the current ROW of Lower Valley Pike.

Due to the subject property's current B-1 zoning, the existing dwelling could not be rebuilt and, because of this, a bank will not approve a loan. There are existing 'business districts' at the Lower Valley Pike intersections with Gerlaugh Rd. to the northeast and with Osborn Rd. to the southwest. The land use between those two intersections is predominately single-family residential with the exception of an existing I-1 property(machine shop) and Medway Cemetery across the street and the former garden center now a trucking business to the west. Staff recommends the Applicant's request to rezone the subject property from B-1 to R-1 be approved as presented. The County Planning Commission met on June 5, 2019, to hear this rezoning case. Following discussion, the CPC passed a motion recommending to the Rural Zoning Commission that the subject property be rezoned from B-1 to R-1 as presented.

Chairperson Brust asked if there were questions for Staff. There were none.

Chairperson Brust opened the public hearing at 9:05 am. and asked if the Applicant wished to speak. The Applicant was not present.

Chairperson Brust asked if there were any audience members wishing to speak for or against this case. Hearing none, he closed the public hearing at 9:06 am.

With no further discussion from the Board, Chairperson Brust asked for a motion.

Action on Rezoning Case #Z-2019-03 ~ Property Owner/Applicant: Paul Wright ~ Location: 11172 Lower Valley Pike: Bethel Twp.~ Request: Rezone from B-1 (Neighborhood Business District) to R-1 (Rural Residence District)

Motion by Mr. Hays, seconded by Mr. Lane, to **Approve** the rezoning request as presented.

VOTE: Yes: Mr. Hays, Mr. Lane, Mr. Jurick and Mr. Leis.

No: None.

Motion carried.

**Rezoning Case #Z-2019-04 ~ Property Owners/Applicants: Loren & Susan Parker
Location: PID #130-08-00011-000-060: Harmony Twp. ~ Request: To rezone 25.9562 acres
from B-3 (General Business District) to A-1 (Agricultural District)**

Mrs. Tuttle stated the subject property is located on E. National Rd., PID #130-08-00011-000-060, consists of 85.14 acres and has split zoning. The north part of the property is zoned B-3 (General Business District) while the southern part is zoned A-1 (Agricultural District). A stream runs east-west thru the middle of the property. The Applicants would like split the current 85-plus acres at this stream, which involves two steps. The first step, which the Applicants are requesting, is to rezone

25.9562 acres south of the stream currently zoned B-3 to A-1. Pending this rezoning being approved, the Applicants second step will be to file for a variance to the Board of Zoning Appeals to create a new lot with frontage less than 150 ft.

When zoning was adopted in Harmony Township in November 1971, the subject property's original 63.6937 acres was zoned B-3 (business district). This B-3 zoning has remained thru the present time. The additional 21-plus acres, originally zoned A-1, was attached to the original parcel in April 2011 thus creating split zoning.

The CONNECT Clark County Land Use Plan identifies this area as Rural Agriculture: Areas that are primarily in agricultural use and include single-family residential, agriculture-related buildings, and civic uses. There is no floodplain in the immediate area of the subject property and County public water or sanitary sewer service is not available to the subject property. The current 85-plus acres has 557± ft. of frontage along US 40/E. National Rd. with a right-of-way of approximately 54 ft. to centerline of the east bound lanes. The property also has 60 ft. of frontage along SR 54/S. Urbana-Lisbon Rd. with a right-of-way of approximately 30 ft. to centerline.

Rezoning of the 25-plus acres to A-1 will remove an area zoned B-3 that should never have been zoned as such. This land has been in agricultural use since zoning for Harmony Township was adopted in 1971. Staff recommends the Applicants request to rezone the subject 25.9563 acres from B-3 to A-1 be approved as presented. Pending approval of this rezoning request, the Applicants are hereby informed that in order to split the subject 85-plus acre property as intended, a variance for reduced frontage in the A-1 District is also required from the Board of Zoning Appeals. The County Planning Commission met on June 5, 2019, to hear this rezoning case. Following discussion, the CPC passed a motion recommending to the Rural Zoning Commission that the subject property be rezoned from B-3 to A-1 as presented.

Chairperson Brust asked if there were questions for Staff.

Mr. Jurick asked about why rezoning first. Mrs. Tuttle explained that Mr. Parker filed for a Variance for the frontage reduction in 2018 but was denied based on the split zoning.

Chairperson Brust opened the public hearing at 9:14 a.m. and asked if the Applicant wished to speak.

Mr. Loren Parker, 9545 E. National Rd., stated he was given an agriculture entrance three years ago off of State Route 40. He stated in 2006 ODOT and AG (state Attorney General) locked him access to his property for a year. He noted it was the same year as the development of Wal-Mart, Industrial Park and Ritchie Brothers off of Route 40. He noted he finally got agricultural entry from Route 40. He noted things have changed and they do not mind giving access now. Mr. Parker stated Route 40 is locked out to everyone unless you get permission from the state. He noted the neighbor will be happy no business will be next to their farm.

Mr. Hays asked about the entry from Route 40. Mr. Parker responded an agricultural entry was granted with ODOT approval. Mr. Hays asked the difference between agricultural and regular drive. Mr. Parker responded use. Mr. Parker stated that agricultural was the only way they would approve the access. He noted he thought businesses had to be paved and to standards. Mr. Parker stated the agricultural entry was automatic with unpaved.

Mr. Spahr asked where the access was on Route 40. He asked what lane Mr. Parker was using for his current residence. Mr. Parker responded the lane they use is the same entry to South Vienna's sewer treatment plant. He stated he sold surrounding land to neighbors and uses a shared drive. Mr. Parker stated this rezoning is good because it was a bad thing to have split zoning. There could

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not have been a business there on a farm lane. Mr. Parker stated he had a cluster lot area approval from the lot. He noted South Vienna has the deed for the shared drive. He stated the 60 ft. strip was for access because of the lockout.

Chairperson Brust asked if there were any audience members wishing to speak for or against this case. Hearing none, he closed the public hearing at 9:29 am.

With no further discussion from the Board, Chairperson Brust asked for a motion.

Action on Rezoning Case #Z-2019-04 ~ Property Owners/Applicants: Loren & Susan Parker ~ Location: PID #130-08-00011-000-060; Harmony Twp. ~ Request: To rezone 25.9562 acres from B-3 (General Business District) to A-1 (Agricultural District)

Motion by Mr. Hays, seconded by Mr. Lane , to **Approve** the rezoning request as presented.

VOTE: Yes: Mr. Hays, Mr. Lane, Mr. Jurick and Mr. Leis.

No: None.

Motion carried.

Zoning Text Amendments- Case ZA-2019-02

Mrs. Tuttle stated that Staff had not been able to finish the recommended changes from the last meeting and asked for more time. She stated she hoped to have it for the July meeting. She asked the Board to leave the case on the table until the July meeting.

Motion by Mr. Jurick, seconded by Mr. Hays, to leave case #ZA-2019-02 Tabled until the July 11, 2019 meeting to allow staff more time.

VOTE: Yes: Mr. Jurick, Mr. Hays, Mr. Brust, Mr. Leis, Mr. Spahr and Mr. Lane.

No: None.

Motion carried.

Staff Comments

Mrs. Tuttle stated the next scheduled meeting is July 11, 2019. She noted there is one rezoning case.

Adjournment

Motion by Mr. Lane, seconded by Mr. Hays, to adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 9:32 p.m.

Mr. Ken Brust, Chairperson