

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, June 28, 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, Mr. David Minard, Ms. Janie Riggs, Mr. Rick Smith and Ms. Greta 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 member 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 May 24, 2018 Minutes

Motion by Mr. Smith, seconded by Ms. Riggs, to **Approve** the minutes with minor grammar corrections submitted by Ms. Riggs.

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

No: None.

Abstain: Mr. Minard and Ms. Wilt.

Motion carried.

Variance Case #BZA-2018-15 ~ Property Owner/Applicant: Andrew Griswold ~ Location: 3600 S. Tecumseh Rd.; Mad River Twp. ~ Request: Variance to Chapter 2, Section A to reduce the front setback from 40 ft. to 35 ft. to construct a 702 sq. ft. addition to the north side of the existing home.

Chairperson Taylor asked for the Staff Report.

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 3600 S. Tecumseh Rd. and consists of five acres. The property is zoned A-1 (Agricultural District). The Applicant would like to add a 702 sq. ft. addition to the NW side of the existing home. Although the addition will not extend beyond the existing build line of the home, it would not meet current front setback requirements. Therefore, the Applicant has filed this variance request.

Zoning Regulations state under Chapter 2, Section A, the front setback in A-1 Zoning is a minimum of 40 ft. from the right-of-way/front lot line. S. Tecumseh Rd. is classified as a Collector Road on the county's Thoroughfare Plan. Therefore, the required setback as measured from the centerline of S. Tecumseh Rd. would be 70 ft. The Applicant is requesting a 65 ft. setback from centerline.

Chairperson Taylor asked if the Board had questions for Staff.

Mr. Hazlett asked if there were any issues with well and leach field. Mr. Neimayer responded he checked with the Health District and they did not have any records on the subject property.

Ms. Riggs asked about all utilities. Mr. Neimayer deferred the question to the Applicant.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 2:04 pm.

Andrew Griswold, Applicant, 3600 S. Tecumseh Rd., was sworn in. Mr. Griswold identified for the Board the location of the well. He then explained that, due to problems with the current leach field, a new leach field was going in on the same side of the new addition but further back.

Chairperson Taylor asked if there were any other areas to build the addition. Mr. Griswold responded there was not due to the layout of the house.

With no further questions for Mr. Griswold, 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 2:07 p.m. and asked for discussion from the Board.

Mr. Smith stated he did not see any issues. It appeared the septic and well matters are worked out.

Chairperson Taylor stated it is not a huge request and there is not room to go in any other direction.

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

Action on Variance Case #BZA-2018-15 ~ Property Owner/Applicant: Andrew Griswold ~ Location: 3600 S. Tecumseh Rd.; Mad River Twp. ~ Request: Variance to Chapter 2, Section A to reduce the front setback from 40 ft. to 35 ft. to construct a 702 sq. ft. addition to the north side of the existing home.

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

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

No: None.

Motion carried.

Variance Case #BZA-2018-16 ~ Property Owners/Applicants: Steven & Nancy Waddle ~ Location: Old Springfield Rd.; Green Twp. PID #080-12-00006-000-006 & 080-12-00006-000-018 ~ Request: Variance to Chapter 2, Section A, Footnote 6 to allow the creation of a parcel at 0.8353 acres instead of the required minimum 1 acre to split off existing house farm site from the remaining farmland.

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer explained the subject property is located on the north side of Old Springfield Rd. at the Green Township-Madison Township line. The Applicants would like to split off the existing farm house site with accessory buildings. This split involves property in Green Township and Madison Township all zoned A-1 (Agricultural District). Due to different tax districts, the subject property cannot be

combined into one overall parcel. Because the property in Green Township would be less than one acre and the minimum lot size per zoning is one acre, the Applicants have filed this variance request.

Additionally, the Applicants have been working with the Tecumseh Land Trust to put their farmland into a farmland preservation trust. Prior to executing that agreement with Tecumseh Land Trust, the Applicants need to split off the existing farm house site. This furthers a goal of Connect Clark County Comprehensive Plan to preserve farmland. The Health District approved the proposed lotsplit on April 11, 2018.

Chairperson Taylor asked if the Board had questions for Staff. Hearing none, Chairperson Taylor opened the public hearing at 2:13 pm.

Daniel Bey, attorney representing the Applicants, **address**, was sworn in. Mr. Bey noted the legal description is a single meets and bounds description of the land, so this land does not create a transferable lot.

Chairperson Taylor asked for clarification on the size of each. Mr. Bey explained the total acreage is 4.9992 acres. He noted 0.8873 acres for Tract 1 (in Green Township) and 4.1839 acres as Tract 2 (in Madison Township).

Chairperson Taylor asked if there was anyone else in the audience wishing to speak for or against this case. There was none. Hearing none Chairperson Taylor closed the public hearing at 2:15 p.m. and asked for discussion from the Board.

Mr. Hazlett stated he knew the property and said no matter how much planning you do you cannot foresee something like this. He noted the property and tax lines were drawn and not thought about then. He noted there were no issues.

Chairperson Taylor stated she was in favor of Tecumseh Land Trust and does not see that this is a problem.

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

Action on Variance Case #BZA-2018-16 ~ Property Owners/Applicants: Steven & Nancy Waddle ~ Location: Old Springfield Rd.; Green Twp. PID #080-12-00006-000-006 & 080-12-00006-000-018 ~ Request: Variance to Chapter 2, Section A, Footnote 6 to allow the creation of a parcel at 0.8353 acres instead of the required minimum 1 acre to split off existing house farm site from the remaining farmland.

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

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

No: None.

Motion carried.

**Variance Case #BZA-2018-17 ~ Property Owners/Applicants: Keith & Rebecca Graves,
Location: 3110 Willow Rd.; Moorefield Twp. ~ Request: Variance under Chapter 8, Section B,
2, e, 1, a, 2) to allow an above ground swimming pool in the side yard.**

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer explained the subject property is located at 3110 Willow Rd. and consists of 1.00 acre. Also known as Lot #16 of the Riegel Acres Subdivision Section Two, the property is zoned R-1 (Rural Residence District). The Applicants would like to install an above ground swimming pool in the east side yard area and extending into the rear yard. The pool would be 15 ft. by 30 ft. with a locking gate and steps. Because zoning regulations require swimming pools to be in the rear yard, the Applicants have filed this variance request.

Zoning Regulations for above ground swimming pools must comply with Chapter 8, Section B, 2, e, 1, a, 2) which 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". Mr. Neimayer noted he did not receive any communication on the case.

Chairperson Taylor asked if the Board had questions for Staff.

Chairperson Taylor asked if the leach field is in the back and is that why the pool cannot go in the rear yard. Mr. Neimayer responded yes. He said it could not be place in the rear yard and still maintain 10 ft. separation from the leach field.

Hearing no further questions for Staff, Chairperson Taylor opened the public hearing at 2:21 pm.

Keith Graves, Applicant, 3110 Willow Rd, was sworn in. Mr. Graves explained the leach field is in the rear yard and he identified the septic on the map. He explained the proposed location would be 10 to 15 feet from the leach field. The end of the pool will be about 10 to 20 ft. from the front of the house. Mr. Graves stated a panel would be placed near the side of the dwelling to supply power. He hoped for the pool to be installed in late July. He explained he was putting up a privacy fence on two sides with a locking gate. He identified for the Board the surrounding trees that provide privacy from neighbors.

Mr. Hazlett asked how close the pool would be to the neighbor. Mr. Graves responded it would be 15 to 20 ft. from the property line.

Ms. Wilt asked if there was enough room to turn the pool and place it in the rear yard. Mr. Graves responded it would be too close to the septic.

Mr. Hazlett asked if there was a fence around the property. Mr. Graves responded no.

Mr. Hazlett asked about the fence around the pool. Mr. Graves responded it would be around the pool and not the yard.

With no further questions for the Applicant, Chairperson Taylor asked if there was anyone else in the audience wishing to speak for or against this case. There was none.

Chairperson Taylor closed the public hearing at 2:28 p.m. and asked for discussion from the Board.

Chairperson Taylor stated she did not like the pool close to the front yard, but did not see another solution for the Applicant. She felt the Applicant has done as much as possible to push it back.

Mr. Hazlett explained that even if the Applicant tried to turn the pool and fit in the rear it would still be a problem. He stated the side location appears to be the only place to put it.

Chairperson Taylor explained she did not want to set a precedent for pools in front / side yard.

Mr. Hazlett explained the house was put so far back it did not allow for much of a rear yard.

Ms. Wilt explained she did not agree with the placement in the side yard.

Mr. Hazlett explained he felt confident the Applicant would put in a fence to help hide the pool.

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

**Action on Variance Case #BZA-2018-17 ~ Property Owners/Applicants: Keith & Rebecca Graves
Location: 3110 Willow Rd.; Moorefield Twp. ~ Request: Variance under Chapter 8, Section B,
2, e, 1, a, 2) to allow an above ground swimming pool in the side yard.**

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

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

No: Ms. Wilt.

Motion carried.

Staff Comments

Mr. Neimayer stated the next meeting would be on July 19 and August 23, 2018.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:57 p.m.

Mrs. Jerri Taylor, Chairperson

Mr. Thomas A. Hale, Secretary