

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, July 19, 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 2:02 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Jerri Taylor, Mr. Paul Hazlett, Mr. Rick Smith and Ms. Greta Wilt.

Absent For Roll Call: Mr. David Minard and Ms. Janie Riggs.

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. Hearing none she asked for a motion to approve the minutes.

Approval of the June 28, 2018 Minutes

Motion by Mr. Smith, seconded by Ms. Wilt, to **Approve** the minutes with the following corrections: 1) Page 5; replace Mr. Hazlett instead of Mr. Smith; and 2) Page 3, add address for Mr. Bey.

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

No: None.

Chairperson Taylor asked for the Staff Report.

Variance Case #BZA-2018-18~ Property Owners/Applicants: Nelson & Elaine Henning~ Location: 5982 Dayton-Springfield Rd.; Mad River Twp.~ Request: Variance to Chapter 8, Section B, 3, b) to allow a detached garage in the front yard at 78 ft. from right-of-way instead of required 300 ft. with a 5 ft. side setback.

Mr. Neimayer explained the subject property is located at 5982 Dayton-Springfield Rd. and consists of 2.05 acres. The property is zoned A-1'S' (Agricultural District, Specific Use). The Applicants would like to construct a detached garage in the front yard. In regards to Zoning Regulations Chapter 8, Section B, 3, b) states, "... a detached accessory building may be constructed in the front yard provided it is at least three hundred (300) feet from the road right-of-way". The Applicants proposed detached garage would be 78 ft. from the Dayton-Springfield Rd. right-of-way, five feet from the west side lot line, and five feet in front of the house. The Health District provided leach field information and the map shows it is located in the rear yard. Mr. Neimayer indicated the neighbor to the west has a similar structure in the front yard.

Chairperson Taylor asked if the Board had questions for staff.

Mr. Smith asked how close the proposed structure was from the house. Mr. Neimayer responded five ft.

Mr. Hazlett clarified that the neighbor has a structure similar to the request. He asked Mr. Neimayer if there were any others in the surrounding area. Mr. Neimayer responded the lots get bigger as you leave Enon, but he could not tell if there are others in the immediate area.

Chairperson Taylor asked how close the structure would be to the property line. Mr. Neimayer responded five ft. He noted due to the property size, it would be a 10 ft. required setback in the rear yard.

Chairperson Taylor questioned Mr. Neimayer about the Health District map and the possibility of the garage in the rear yard away from the leach field. Mr. Neimayer responded he was not sure if it would fit.

Mr. Hazlett clarified that the measurements would be five ft. from house, five ft. from property line and 78 ft. from right-of-way. Mr. Neimayer responded that was the Applicant's request.

With no further questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 2:12 pm.

Mr. Nelson Henning, Applicant, 5892 Dayton Springfield Rd, was sworn in. Mr. Henning stated he wanted to put the garage towards the front to match his house and match his neighbor. He stated both are brick and, if this was granted, would look very similar in appearance. Mr. Henning stated it would be difficult to put the garage to the side due to layout of the land. He noted there is a steep hill that would require the garage too close to the leach field. Mr. Henning also noted he would have to take out existing pear trees. He explained the land slope does not allow room for the garage to fit. He said he talked to the neighbors and they did not voice any concerns.

Mrs. Wilt asked where the existing garage was located. Mr. Henning pointed it out.

With no further questions for the Applicant, 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 2:16 p.m. and asked for discussion from the Board.

Mr. Hazlett stated he felt it was in Mr. Henning's favor to be present to explain to the Board the topography of the land to help the Board understand the layout of the land and the slopes. Mr. Hazlett stated it appears it is the only place to put the garage. He noted the neighbor has the same garage (in similar location) and also noted there are no issues from neighbors.

Chairperson Taylor stated maybe the Board should ask the Applicant to find another spot.

Mr. Smith stated he felt that would cause an issue and the Applicant may have to drive on the leach field. Mr. Smith noted there was not room for the garage anywhere else. He also noted the location of the retaining wall could cause issues if located near it.

Chairperson Taylor stated the topography of the land does not allow any other choice.

Ms. Wilt stated the Applicant's intent is to make the garage blend in and look nice with the neighborhood.

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

Action on Variance Case #BZA-2018-18 ~ Property Owners/Applicants: Nelson & Elaine Henning ~ Location: 5982 Dayton-Springfield Rd.; Mad River Twp. ~ Request: Variance to Chapter 8, Section B, 3, b) to allow a detached garage in the front yard at 78 ft. from right-of-way instead of required 300 ft. with a 5 ft. side setback.

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

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

No: None.

Motion carried.

Variance Case #BZA-2018-19 ~ Property Owner/Applicant: Maudie Conn ~ Location: 607 Lake Shore Dr.; Bethel Twp. ~ Request: Variance to Chapter 2, Section F, to reduce the front setback to 7 ft. instead of 25 ft. and the side to 5 ft. instead of 15 ft. and the sum of 12 ft. instead of 30 ft. to construct a front deck.

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer explained the subject property is located at 607 Lake Shore Dr. and consists of three separate parcels: 0.07, 0.11 and .05 acres. The Applicant's home sits on PID #010-05-00025-114-013. The property is zoned R-CL (Residential – Crystal Lakes). The Applicant would like to construct a 10 ft. by 26 ft. front deck on the east side of the home. Because Crystal Lakes was originally platted in small lots, the Applicant cannot meet the current zoning setback requirements and has filed this variance request.

In Regards to Zoning Regulations per Chapter 2, Section F, the front setback requirement is 25 ft. from the front lot line/right-of-way line. The existing house, built in 1933 according to the County Auditor's records, is only 17+ ft. from the front lot line. Construction of the front deck would leave 7+ ft. between the deck and the front lot line at the shortest distance. Crystal Lakes is serviced with a public sanitary sewer system. Lots are serviced by individual wells. He noted the County Engineer's Department had some concerns, but do not anticipate any improvements to the road. He noted improvements could be directed on other side.

Chairperson Taylor asked if the Board had questions for staff. There were none.

Chairperson Taylor opened the public hearing at 2:25 pm.

Maudie Conn, Applicant, 607 Lake Shore Dr., was sworn in. Ms. Conn stated she needed the deck to get in and out of her house. She stated she has very steep and difficult steps.

Chairperson Taylor asked if it was going to be enclosed. Ms. Conn responded it would not be enclosed. She stated the steps would be shorter and easier to navigate.

Mr. Hazlett asked if the Applicant considered a ramp. Ms. Conn stated the steps will be constructed to allow for the ramp to be added at a later date. Ms. Conn stated she just did a deck project at her previous house in Georgia.

Chairperson Taylor stated the deck would allow for easier entrance and the property will also be enhanced.

Jeff Hamilton, 607 Lake Shore Dr., was sworn in. Mr. Hamilton stated he was Ms. Conn's son and would be helping construct the deck.

Mr. Smith asked about utilities. Mr. Hamilton responded the utilities are located in the back. He noted he measured the proposed deck to be 41 ft. from centerline of the road. He stated sewer is running down the front of the property line. He stated he wanted a nice deck to help her get in and out and a nice place to sit and look at the lake.

Mr. Hazlett asked where the Applicant parks her car. Mr. Hamilton showed the driveway on the map and showed the deck would not interfere with sight lines.

With no further questions for the Applicant, 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 2:32 p.m. and asked for discussion from the Board.

Mr. Hazlett asked if other properties have the same situation. Mr. Neimayer responded yes. He said although the R-CL zoning district was established to help with these types of issues, it would not address all issues and those issues would have to come to the Board.

Mr. Hazlett stated deck would be an improvement and he would highly encourage the Applicant to make plans to use a ramp system. He stated it is a good idea to plan for the future.

Chairperson Taylor stated it is a safety need, not a convenience need. She noted the Variance for the deck will allow them to stay in the home longer.

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

Action on Property Owner/Applicant: Maudie Conn ~ Location: 607 Lake Shore Dr.; Bethel Twp. ~ Request: Variance to Chapter 2, Section F, to reduce the front setback to 7 ft. instead of 25 ft. and the side to 5 ft. instead of 15 ft. and the sum of 12 ft. instead of 30 ft. to construct a front deck.

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

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

No: None.

Motion carried.

Variance Case #BZA-2018-20 ~ Property Owners/Applicants: Kevin & Anne Null ~ Location: 2312 S. Urbana-Lisbon Rd.; Harmony Twp. ~ Request: Variance to Chapter 8, Section H, 9, e), to allow solar panels in the side yard instead of required rear yard.

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer explained the subject property is located at 2312 S. Urbana-Lisbon Rd. and consists of 10.01 acres. The property is zoned A-1 (Agricultural District). Back on February 5, 2018, the Applicants zoning application to construct a 20 ft. by 34 ft. carport with solar panel modules on the roof was approved. The Applicants later discovered that additional solar panel modules would be necessary. Because zoning regulations require free standing solar panels to be located in the rear yard, the Applicants have filed this variance request.

Zoning Regulations Chapter 8, Section H, 9, e) states, "Solar Panels detached from the principle residential structure shall be located in the rear yard and shall not occupy more than thirty (30) percent of the required area of the rear yard." Chapter 8, Section H, 9, g) states, "No solar panel shall be located in the front yard." The additional solar panel modules would not be attached to the carport. They would be free standing (ground mounted) next to the carport and extend partly into the front yard. The closest homes are 600+ ft. from the proposed area. He noted the well is in the front and the leach field is in the rear.

Chairperson Taylor asked if the Board had questions for staff.

Ms. Taylor asked about the carport. Mr. Neimayer explained it had not been built yet, but zoning approved. Mr. Neimayer showed the Board the area.

With no further questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 2:42 pm.

Kevin and Anne Null, Applicants, 2312 S. Urbana Lisbon Rd., were sworn in. Mr. Null showed the Board a picture of the proposed carport with the solar panels. Mr. Null stated in would be an additional \$10,000 to extend the carport structure. He stated the solar panels are more efficient on the ground. He noted he could not put them on the house and get the same efficiency. He stated there are trees blocking the neighbors view of the proposed area. He stated it would be more visible to neighbors in the rear of the yard, so it would look more pleasing in line with the other panels.

Mr. Hazlett asked if the property was south of Plattsburg. Mr. Null stated yes. Mrs. Null stated Stewart Road was to the south.

Mrs. Taylor stated the homes are far back and the lots are mature.

Mr. Hazlett asked if there were any plans to extend the carport. Mr. Null responded no.

Mrs. Null stated they had a \$600 electric bill and this is important to stay in their home. Mr. Null stated it is an electric home.

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 2:49 p.m. and asked for discussion from the Board.

The Board determined it would be more of an eyesore in the back yard and it would be better for the additional solar panels to tie in with the existing carport in the side yard. It was noted that efficiency should be part of the location decision. The Board determined it would be difficult to place the panels in two different locals and it would look nice placed together. They also noted the location will not affect the neighbors.

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

Action on Variance Case #BZA-2018-20 ~ Property Owners/Applicants: Kevin & Anne Null ~ Location: 2312 S. Urbana-Lisbon Rd.; Harmony Twp. ~ Request: Variance to Chapter 8, Section H, 9, e), to allow solar panels in the side yard instead of required rear yard.

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

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

Motion carried.

Variance Case #BZA-2018-21~Property Owner: LLH MRS Master Re LLC~Applicant: Lineage Logistics LLC ~Location: 1985 Airpark Dr.; Green Twp.~ Request: Variance to Chapter 8, Section B, 5) to allow an accessory structure in the front yard.

The Board decided to proceed with this case even though the Applicant was not present.

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer stated the subject property is located at 1985 Airpark Dr. and consists of 25 acres. The property is zoned I-1 (Industrial District). The Applicant would like to construct a 25 ft. by 35 ft. accessory building for storage in the front yard and has filed this variance request.

Zoning Regulations Chapter 8, Section B, 5) states, "Accessory buildings not covered by other provisions of these Regulations must be located in the rear yard and shall be located at least five (5) feet from a side or rear lot line". Location is the end of Airpark drive in the industrial park. Mr. Neimayer stated the accessory structure is to store maintenance items and needs to be near the maintenance area. He explained the Airpark Industrial Park has subdivision covenants and the Applicant would have to work with the City to comply.

Chairperson Taylor asked if the Board had questions for staff.

Mr. Hazlett asked if the structure will meet all setback requirements. Mr. Neimayer responded yes.

Chairperson Taylor opened and closed the public hearing at 2:56 pm. For the record, Chairperson Taylor stated there were no audience members present for this case.

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

Minutes

Clark County Board of Zoning Appeals

Action on Variance Case #BZA-2018-21 ~ Property Owner: LLH MRS Master Re LLC ~ Applicant: Lineage Logistics LLC ~ Location: 1985 Airpark Dr.; Green Twp. ~ Request: Variance to Chapter 8, Section B, 5) to allow an accessory structure in the front yard.

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

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

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings would be on August 23 and September 27.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:01 p.m.

Mrs. Jerri Taylor, Chairperson

Mr. Thomas A. Hale, Secretary