

Minutes

Clark County Board of Zoning Appeals

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

Absent For Roll Call: None.

Also in Attendance: Mr. Allan Neimayer and Mrs. Jennifer Tuttle of Clark County Community and Economic Development.

Chairperson Greenwood explained how the meeting will be conducted. He then asked if any Board member wished to abstain from any of the cases. There were no abstentions.

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

Approval of the June 29, 2017 Minutes

Motion by Mr. Smith seconded by Mr. Greenwood, to **Approve** the minutes.

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

No: None.

Motion carried.

Variance Case #BZA-2017-12 ~ Property Owners/Applicants: Robert Hackathorne ~ Location: 5343 Springfield-Xenia Rd.; Green Township ~ Request: Variance from Chapter 8, Section B, 6, a, to increase the maximum combined size of accessory structures from 1,500 sq. ft. to 1,944 sq. ft. to add a 36 ft. by 40 ft. addition to the existing detached garage.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 5343 Springfield-Xenia Rd and consists of 0.49 acres. He stated it is also known as Lot #8 of the Catalpa Ridge Addition Subdivision. He stated the property is zoned R-1 (Rural Residence District). The Applicant would like to construct a 36 ft. by 40 ft. (1,440 sq. ft.) addition to the existing garage, which is approximately 496 sq. ft. Because the combined sq. ft. would exceed the maximum allowed under zoning, the Applicant has filed this variance request. Mr. Neimayer explained for a property less than one acre in size, Chapter 8, Section B, 6, limits the number of accessory structures to two with a combined size not to exceed 1,500 sq. ft. Mr. Neimayer stated records from the Health District show the septic and leach field is directly behind the house. Based on the Applicant's submitted drawing, it would appear that the proposed garage addition would be 20± ft. into the leach field. Mr. Neimayer also noted the existing detached garage is located very close to, if not along, the south property line. He explained the

proposed addition would maintain the south build line and drainage from the garage needs to be directed away from the south lot line

Chairperson Greenwood asked if the Board had questions for Staff.

Mrs. Taylor asked about access to the proposed garage addition. Mr. Neimayer responded he thought it would be through the current structure. He stated the Applicant was present and could further answer the question.

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.

Applicant, Robert Hackathorne, 5343 Springfield-Xenia Rd., was sworn in. Mr. Hackathorne stated he was installing an overhead garage door and a man-door leading into garage. He stated the moist area of the leach field is at least 10 ft. off of the corner of the proposed garage addition. He supplied the Board with an updated drawing with measurements where he believed the leach field started. He stated he wanted to stay off of the leach field as much as the Health District wanted him to. He stated he compared his drawing with the Health District's drawing and felt he would be off of the leach field. He stated he restores muscle cars for a hobby and this addition would allow him to store his cars on site and not have to pay for storage.

Mrs. Taylor asked Mr. Neimayer to show the property map with surrounding neighbors. Mr. Neimayer projected the map and noted the red lines showing the property line may be off a few feet and that the Applicant is going to keep the same build line of the current structure. Mr. Hazlett asked if the new addition would meet the 5 ft. setback. Mr. Neimayer responded he thought it would be close.

Mrs. Taylor asked how many accessory structures the Applicant was allowed to have. Mr. Neimayer responded two structures were allowed, but noted the Applicant is removing one existing structure.

Mr. Hazlett asked about runoff and how the roof would be pitched. Mr. Hackathorne explained the runoff travels down to south.

Mrs. Taylor asked for the maximum square footage of accessory structures. Mr. Neimayer responded 1500 sq. ft.

Mr. Hazlett asked if there were any issues with neighbors. Mr. Hackathorne responded no.

Mr. Hackathorne added he was going to use vinyl siding of the garage addition so that it will match the house.

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 2:14 pm. and asked for discussion among the Board.

Mr. Hazlett asked if the Board needed to put the condition of meeting the Health District's requirement as part of the motion. Mr. Neimayer stated yes and should be a condition to verify the location of the leach field.

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

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Action on Variance Case #BZA-2017-12 ~ Property Owners/Applicants: Robert Hackathorne ~ Location: 5343 Springfield-Xenia Rd.; Green Township ~ Request: Variance from Chapter 8, Section B, 6, a, to increase the maximum combined size of accessory structures from 1,500 sq. ft. to 1,944 sq. ft. to add a 36 ft. by 40 ft. addition to the existing detached garage.

Motion by Mrs. Taylor, seconded by Mr. Smith, to **Approve** the Variance request with the condition of meeting requirements of the Clark County Combined Health District.

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

No: None.

Motion carried.

Variance Case #BZA-2017-13 ~ Property Owner/Applicant: Carissa Berner ~ Location: 5105 Old Mechanicsburg Rd.; Moorefield Township ~ Request: Variance from Chapter 2, Section B, Footnote 2 to reduce the corner front setback from 40 ft. to 19 ft. and to reduce the rear setback from 60 ft. to 43 ft. to convert an existing patio to an enclosed 8 ft. by 10 ft. sitting room addition.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 5105 Old Mechanicsburg Road and consists of 0.13 acres. He stated the property is zoned R-2A. The Applicant would like to convert an existing patio into an enclosed (covered) 8 ft. by 10 ft. sitting room addition. Because the proposed addition would not comply with yard setback requirements, the Applicant has filed this variance request. Mr. Neimayer explained that Chapter 2, Section B, 1 Footnote 2 of the zoning regulations requires the following setbacks for property without public water and sewer service: Front: 40 ft.; Side, least: 15 ft.; Side, sum of both: 50 ft.; Rear: 60 ft. He noted the subject property is a corner lot. The Health District indicated to Staff that the addition would not impede on the leach field. Mr. Neimayer noted that the notification mailed to 5108 Old Mechanicsburg Road was returned.

Chairperson Greenwood asked if anyone had questions for Staff.

Mrs. Taylor asked for clarification of a patio vs. addition. Mr. Neimayer stated an open patio would be fine, but a covered patio must comply with zoning setbacks. Mrs. Taylor asked if that was because it was attached. Mr. Neimayer stated yes.

Mrs. Taylor asked about other buildings on the property. Mr. Neimayer deferred to the Applicant.

Hearing no further questions, 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.

Steve Berner, 5105 Old Mechanicsburg Rd., was sworn in. He stated the home was in New Moorefield. He explained that he had removed the fuel tank and one accessory building. He identified for the Board the structures removed from the property. Mr. Berner stated he found old blueprints of his house that showed there was a 12 ft. x 16 ft. addition there at one time. Mr. Berner noted that it was not really an enclosed structure, but a covered patio. He stated he felt it would help the appearance of the house and that he had been improving the property. Mr. Berner stated having the roof and spouting would help with the runoff issue.

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Mr. Greenwood clarified with the Applicant that he was not really enlarging the area and was just covering the patio. Mr. Berner stated that was correct.

Mrs. Taylor asked if it was going to be a sunroom. Mr. Berner stated it was more like a covered porch. He stated his neighbors have been supportive in his efforts of upgrading the property.

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 2:25 pm. and asked for discussion among the Board.

Mrs. Taylor stated she did not see a problem with the request and did not feel it would change the character of the neighborhood.

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

Action on Variance Case #BZA-2017-13 ~ Property Owner/Applicant: Carissa Berner ~ Location: 5105 Old Mechanicsburg Rd.; Moorefield Township ~ Request: Variance from Chapter 2, Section B, Footnote 2 to reduce the corner front setback from 40 ft. to 19 ft. and to reduce the rear setback from 60 ft. to 43 ft. to convert an existing patio to an enclosed 8 ft. by 10 ft. sitting 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.

Staff Comments

Mr. Neimayer told the Board the next scheduled meeting will be August 24, 2017.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:28 pm.

Mr. Tim Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary