

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9 a.m.
Thursday, August 9, 2018

Springview Government Center
3130 E. Main Street
Springfield, Ohio 45505

Mr. Ken Brust, Chairperson of the Clark County Rural Zoning Commission of Clark County Ohio, called the meeting to order at 9 a.m. and asked for the Roll Call.

Present For Roll Call: Mr. Brust, Mr. Leis and Mr. Jurick.

Absent For Roll Call: Mr. Hays, Mr. Spahr and Mr. Lane

Chairperson Brust explained how the meeting will be held.

Chairperson Brust noted approval of the July 12, 2018 minutes will be deferred to the next meeting due to lack of eligible voting members.

Z-2018-02 ~ Property Owner/Applicant: BCS Group LTD~Location: 50 Walnut Rd.; Bethel Twp. Request: Rezone 1.0 acre from R-CL to I-1'S' to bring existing office and warehouse use into proper zoning district and to allow outside storage.

Chairperson Brust asked for the staff report.

The subject property is located at 50 Walnut St and consists of 1.0 acre. The property is currently zoned R-CL (Residential-Crystal Lakes). Mr. Neimayer noted that Dayton Light International was the property owner when the application was filed. The current property owner is BCS Group LTD. Both prior and current property owners are present in the audience. The subject property had consisted of 9 separate parcels, and has since been combined into one parcel. The new owners of the property are continuing with an office and warehouse use, a legal, non-conforming use, and would like to rezone the property to I-1'S' (Industrial District, Specific Use) to get the property into a proper zoning district and also allow outside storage.

Mr. Neimayer stated the I-1 zoning district also allows those permitted uses under B-4, B-3, B-2 and B-1 in addition to approved conditional use under those same districts. Although the use of the subject property as office and warehouse predates original adoption of zoning for the Crystal Lakes area in Bethel Twp., other potential uses allowed under current I-1 zoning would not be compatible next to the existing single-family neighborhood. As such, the Applicant has followed Staff's recommendation and is requesting I-1 'S' zoning limiting use of the subject property to office and warehouse with outside storage. He noted this is not a new use; it predates zoning so it is a legal nonconforming use that we are trying to get into a proper zoning district.

Mr. Neimayer stated the CONNECT Clark County Land Use Plan identifies this area as Suburban Living, Low Intensity. As noted above, use of the subject property predates the original adoption of zoning resulting in the use as a legal, nonconforming use. The Applicant's request is to rezone the subject property to a proper zoning district continuing with the same land use.

Mr. Neimayer explained the property is serviced by public sanitary sewer, confirmed with the County Utilities Department. Water service is provided by on-site well. Walnut Rd. is classified as a Local Road with a current right-of-way of 40 ft.

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Staff recommends the Applicant's request to rezone the subject property from R-CL to I-1 'S' (Specific Use), limited to office and warehouse use and to include outside storage, be approved as presented. Pending rezoning approval, the Applicant is hereby informed of the required Zoning Certificate process whereby compliance with applicable zoning regulations, including off-street parking requirements, will be reviewed. Mr. Neimayer noted again that the Specific Use designation was because other uses in the B-1 to B-4 and some I-1 uses would not be appropriate due to the small lot and surrounding area.

The County Planning Commission met on August 1, 2018 to review this rezoning case. Following discussion, the CPC passed a motion recommending to the Rural Zoning Commission that the Applicant's request to rezone the subject property from R-CL to I-1'S' be approved as presented.

Mr. Neimayer noted that he has not received any objections from the public.

Chairperson Brust asked if there were any questions for Mr. Neimayer.

Mr. Brust clarified that the request was really to bring the zoning to the correct category and allow outside storage. Mr. Neimayer responded that was correct.

Mr. Leis asked if fencing would be required. Mr. Neimayer stated the proposed use is a building contractor and only items associated with the business will be stored outside. He noted fencing will be looked at during the zoning certificate process.

Mr. Jurick asked if security lighting would be allowed. Mr. Neimayer responded yes.

Hearing no further questions, Chairperson Brust opened the public hearing at 9:10 a.m.

Linda Ricciardi, 1359 Xenia Ave., Yellow Springs, was sworn in. Ms. Ricciardi explained that she was the former property owner. Ms. Ricciardi gave some history of the building. She stated it had existed since 1942 noting it was an engine manufacturing business. She explained her family purchased the building in 1964. In 1968 the Crystal Lakes Association allowed the building as a business and permitted the industrial use. She noted there was not zoning before 1968. In 1984 it became Dayton Lighting. Ms. Ricciardi noted she closed in 2017 and recently sold the property to BCS Group (a construction company).

Mr. Jurick thanked Ms. Ricciardi for giving the history of the property. Mr. Jurick stated he wanted to know a little more about the construction use.

Mr. John Riggers, representing BCS Group, 50 Walnut St., was sworn in. He stated the outside storage would be for cargo trailers: 14 ft., 16 ft. and 20 ft. long and no higher than 8 ft. Mr. Riggers explained a semi-trailer would also be parked outside between jobs.

Mr. Jurick asked if brush or landscaping materials would be stored on site. Mr. Riggers stated no, but he stated there is a small bit of stone outside for an upcoming job. Mr. Jurick asked about compost materials. Mr. Riggers stated that would not be stored on site.

Hearing no further questions or comments for Mr. Riggers, and noting there were no other audience members, Chairperson Brust closed the public hearing at 9:18 a.m.

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Mr. Jurick asked if the zoning regulations would require lighting away from residential. Mr. Neimayer responded yes.

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

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

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

No: None.

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled RZC meetings are September 13 and October 11, 2018.

Update on Land Use Regulations

Mr. Neimayer presented items staff and the committee had identified as priority. He explained staff would be bringing items as completed by the committee to the RZC for review instead of bringing all items at once.

Mr. Jurick added that there had been a lot of discussion on accessory structures. And also the district changes/additions to avoid any potential danger with future land use.

Mr. Leis stated he liked the idea of reviewing smaller sections of amendments instead of the entire set up updates at once.

Board Education

Mr. Neimayer presented an update on establishing a quorum and abstaining from cases.

Mr. Jurick asked if the RZC makes a recommendation and the members that did not attend the meeting were opposed to the recommendation, could those members weigh in and possibly change the recommendation during the County Commissioners hearing. Mr. Neimayer stated the recommendation from the RZC is important to the County Commissioners. Under Mr. Jurick's scenario, if those absent members wanted to voice an opinion, it would be as a citizen and not as a RZC Board member.

Adjournment

Motion by Mr. Leis, seconded by Mr. Jurick, to adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 9:42 am.

Mr. Ken Brust, Chairperson

Mr. Thomas A. Hale, Secretary