

# ***Minutes***

## ***Clark County Board of Zoning Appeals***

Regular Meeting ~ 2:00 pm.  
Thursday, August 23, 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 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 July 19, 2018 Minutes**

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

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

**No:** None.

**Abstain:** Mr. Minard and Ms. Riggs

Chairperson Taylor asked for Case #BZA-2018-23 to be heard first to allow extra time for the Applicant for case#BZA-2018-22 to arrive.

### **Variance Case #BZA-2018-23 ~ Property Owners/Applicants: Randy & Loraine Arner ~ Location: 9342 Lower Valley Pike; Bethel Twp. ~ Request: Variance to Chapter 8, Section B, 3), to allow an accessory structure without a primary structure.**

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer, Senior Planner, stated the subject property is located at 9342 Lower Valley Pike and consists of 1.07 acres. The property is zoned A-1 (Agricultural District). The Applicants are planning to build a new single-family home with an accessory structure on the subject property. He stated it is currently vacant land. They would like to build the accessory structure (42 ft. by 48 ft.; 2,016 sq. ft.) first to secure construction materials as the house is being built. As zoning regulations do not allow an accessory structure with a primary building, the Applicants have filed this variance request. Mr. Neimayer stated in accordance with Chapter 8, Section B, 3) and definition of an accessory building, there needs to be a principal building (i.e., house) to have an accessory building. He stated there were no calls from neighbors.

Chairperson Taylor asked if the Board had questions for staff. With no questions for Staff, Chairperson Taylor opened the public hearing at 2:05 p.m.

Mr. Randy Arner, Applicant, 2931 Union Rd., was sworn in. He stated he wanted to build the barn to help store the building materials for the new house. He stated 20 years ago he built a barn and then the house on Union Road. He stated it makes it easier for storage of the supplies and stuff from the current house. Mr. Arner stated he was putting his current Union Road house up for sale and needed storage space for house stuff. He stated he really wants to keep the property nice while building the house. He noted the neighbors take care of the property and he will too. Mr. Arner stated he will begin the house on the property as soon as the current house sells. He explained that he had already purchased the barn before he realized he needed the variance.

Mr. Hazlett asked for a timeline when the house would be built. Mr. Arner responded he hoped before snow fall of this year. He stated the realtor suggested that his current home on Union Road would sell fast.

Mr. Hazlett asked if the proposed barn was a pole barn. Mr. Arner responded yes and noted it will be finished inside.

Ms. Wilt asked for the Applicant to show the location of drive and house. Mr. Arner showed the areas on the map and stated the house will be in the middle of the property with the septic in front and the barn in the rear. He noted the property behind him is all pasture.

Mr. Hazlett asked if any of the neighbors had a similar house/barn layout. Mr. Arner responded yes. He also noted he discussed the pole barn with his neighbors and they did not have any issues.

Ms. Riggs asked if the driveway would be on the same side of barn. Mr. Arner responded yes. He showed the proposed locations of the house, barn and driveway areas on the map.

There were no further questions for Mr. Arner.

Chairperson Taylor asked if there was anyone else wishing to speak for or against this case.

There were no audience members present.

Chairperson Taylor closed the public hearing at 2:14 p.m.

Chairperson Taylor asked for discussion from the Board.

### **Request for Executive Session**

Motion by Mr. Hazlett, seconded by Mr. Smith, to go into Executive Session.

**VOTE:**    **Yes:** Mr. Hazlett, Mr. Smith, Mrs. Taylor, Ms. Wilt, Mr. Minard and Mrs. Riggs.  
              **No:** None.

Motion carried. Chairperson Taylor noted the Time Out at 2:15 pm.

Chairperson Taylor noted the Time In at 2:23 pm.

Chairperson Taylor stated there may be some changes to code regarding an accessory structure before a primary in the future. She noted the Board has had several similar requests in recent months. She noted for the record that the Applicant in this case has already worked with the Health

District, the builder for the house and other required items for building. Therefore, the Board feels comfortable that the Applicant will build the house on the property.

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

**Action on Variance Case #BZA-2018-23 ~ Property Owners/Applicants: Randy & Loraine Arner ~ Location: 9342 Lower Valley Pike; Bethel Twp. ~ Request: Variance to Chapter 8, Section B, 3), to allow an accessory structure without a primary structure.**

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

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

**No:** None.

**Variance Case #BZA-2018-22 ~ Property Owner/Applicant: Fraternal Order Of Eagles ~ Location: 376 Quick Rd.; Bethel Twp. ~ Request: Variance to Chapter 2, Section I, Table 2.6 to allow reduce the front yard setback to 20 ft. instead of 50 ft.**

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer stated the subject property is located at 376 Quick Rd and consists of 7.74 acres. The property is zoned I-1 (Industrial District). The Applicant would like to build an outdoor patio in front (Quick Rd. side) of the lodge building. The Applicant also intends to move the existing smoke shed to the front of the building next to the outdoor patio. Because the proposed construction would not comply with the I-1 front setback requirement, the Applicant has filed this variance request.

Mr. Neimayer stated per Chapter 2, Section I, Table 2.6, the front setback requirement is 50 ft. The current right-of-way of Quick Rd. is 30 ft. (15 ft. from centerline). The county's Thoroughfare Plan lists Quick Rd. as a Collector Rd., 60 ft. right-of-way (30 ft. from centerline). Zoning Regulations state the front setback is to be measured from whichever right-of-way is greater. Therefore, the outdoor patio needs to be a minimum 80 ft. (\*) from centerline of Quick Rd. The proposed outdoor patio would be approximately 53 ft. from the centerline of Quick Rd. Chapter 8, Section F, 2, a, 5): "Front porches may project into a front yard a distance not to exceed eight (8) feet, provided it is open on three (3) sides, except for railings or banisters. The existing lodge building is 60 ft. from the current right-of-way of Quick Rd., but only 44± ft. from the county's Thoroughfare Plan right-of-way. Mr. Neimayer stated there are no issues with losing any of the front parking spaces. He also noted there were no comments from any surrounding property owners.

Chairperson Taylor asked if the Board had questions for staff.

Chairperson Taylor asked about the setbacks of parking vs building. Mr. Neimayer reviewed setback requirements for non-residential parking and non-residential building. Chairperson Taylor asked for the difference in setbacks. Mr. Neimayer explained that buildings have a larger setback for sight distance. He explained the patio in the front yard still needs to meet the setback required.

With no questions for Mr. Neimayer, Chairperson Taylor opened the public hearing at 2:33 pm.

James Hinds, 431 W Carpenter Dr., representing the Fraternal Order of Eagles, was sworn in.

Mr. Hazlett asked the Applicant for the intended use of the parking spaces that would be lost. Mr. Hinds responded it would be used for motorcycle parking and another handicap parking space will go where the smoke house currently sits.

Mr. Smith asked for the location of the main entrance. Mr. Hinds showed the entrance on the south side of the lodge building near the current location of the smoke house.

Mr. Hazlett asked if the patio would have a roof. Mr. Hinds responded a roof is planned.

Chairperson Taylor asked if there would be a door to the patio. Mr. Hinds responded yes.

Chairperson Hinds asked why the patio could not go on the west side of the building with a door. Mr. Hinds responded it would obstruct the parking circle and there are no other doors. He also noted that the banquet hall, which gets rented out, was located on the west end of the building.

Mr. Hazlett noted that the accessibility to current doors limits the location. Mr. Hinds responded that is correct.

Mr. Hazlett asked if there would be a railing. Mr. Hinds responded there would be a railing. Mr. Hazlett asked to make sure it was visible. Mr. Hinds responded it would be. He also stated cars would not go around the deck area.

Chairperson Taylor asked if there was anyone else wishing to speak for or against this case.

There were no audience members for or against the case.

Chairperson Taylor closed the public hearing at 2:39 p.m. and asked for discussion from the Board.

Mr. Hazlett stated the Applicant answered the parking area questions (allowing motorcycles only). He stated he did not see any issues with visibility.

Chairperson Taylor stated the zoning code states a variance request cannot be for a convenience. She noted that the Applicant has stated it would be difficult to place in any other part of the building.

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

**Action on Variance Case #BZA-2018-22 ~ Property Owner/Applicant: Fraternal Order Of Eagles ~ Location: 376 Quick Rd.; Bethel Twp. ~ Request: Variance to Chapter 2, Section I, Table 2.6 to allow reduce the front yard setback to 20 ft. instead of 50 ft.**

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

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

**No:** None.

**Motion carried.**

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### **Staff Comments**

Mr. Neimayer stated the next scheduled meetings would be on September 27 and October 25, 2018.

Mr. Neimayer presented an update on establishing a quorum and abstaining from cases. There was a discussion among the Board members about abstaining from cases.

### **Adjournment**

Motion by Mr. Smith, seconded by Mr. Minard, to Adjourn.

**VOTE:** Motion carried unanimously.

The meeting was adjourned at 2:55 p.m.

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Mrs. Jerri Taylor, Chairperson

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Mr. Thomas A. Hale, Secretary