

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, August 24, 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, and Mr. David Minard

Absent For Roll Call: Ms. Janie Riggs

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 needed 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 July 27, 2017 Minutes

Motion by Mrs. Taylor seconded by Mr. Minard, to **Approve** the minutes as presented.

VOTE: Yes: Mrs. Taylor, Mr. Minard, Mr. Smith, Mr. Greenwood and Mr. Hazlett.

No: None.

Motion carried.

Mr. Neimayer noted that Mr. Minard would be a full-voting member in Ms. Riggs absence.

Variance Case #BZA-2017-14 ~ Owner/Applicant: Gesse Properties of Ohio LLC ~ Location: 111 Tremont City Rd.; Moorefield Twp. ~ Request: Variance to Chapter 2, Section I to allow a 5 ft. rear setback instead of the required 40 ft. to construct new storage buildings.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Allan Neimayer, Senior Planner, stated the subject property is located at 111 Tremont City Road in Moorefield Township and consists of 5.39 acres. He said the property is zoned I-1 (Industrial District). Mr. Neimayer stated the Applicant would like to add additional storage buildings and is requesting a variance to allow for a 5 ft. rear setback. Mr. Neimayer stated that under Chapter 2, Section I, of the Clark County Zoning Regulations, a rear yard setback of 40 ft. is required when abutting other industrial zoned parcels.

Chairperson Greenwood asked if the Board had questions for Staff.

Mrs. Taylor asked if the area beside the property was vacant. Mr. Neimayer explained it was part of the industrial park and access is from Tremont City Road.

Mr. Hazlett asked if the property needed a Variance for the current buildings. Mr. Neimayer responded yes, but he did not find any in the files.

Mr. Hazlett asked if the property was part of the industrial park. Mr. Neimayer responded no.

Chairperson Greenwood opened this portion of the public hearing at 2:06 pm. and asked if anyone would like to speak in favor of the case.

Tabb Gesse, Applicant, 111 Tremont City Rd., was sworn in. He stated he had owned the property for 15 years. He said the previous owner built 10 buildings in the 1980s and the second owner built 4 additional buildings in the 1990s. The Applicant stated the neighbor to the south is currently growing corn on the parcel. Mr. Gesse stated because he now lives in Indiana the property is more difficult to care for. He stated he wanted to put in the new unit and a fence along the south property line. He noted the only Variance needed was for the rear setback.

Mrs. Taylor asked if the fence would be vinyl. Mr. Gesse responded yes because it would be maintenance free.

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 2:12 pm. and asked for discussion among the Board.

Mr. Hazlett stated he felt the building would be too close to the property line and may cause issues for the next person trying to develop. He stated he did not want it to interfere with the adjoining property.

Mrs. Taylor stated the new development would also have setbacks to adhere.

Mr. Minard stated there would still be access for maintenance.

Mr. Neimayer noted that the setback for the area Mr. Hazlett was questioning would be 10 ft.

Mrs. Taylor stated she felt a new developer could work around the setback. She stated she felt it would clean up the back of the property. She asked about the white buildings on the map.

Chairperson Greenwood reopened this portion of the public hearing at 2:19 pm. to hear from the Applicant.

Mr. Gesse (Applicant) stated the white buildings were actually campers and RVs. He further explained that he hoped to build camper and RV storage in a later phase.

Mrs. Taylor asked the Applicant if the proposed fence at the back of the property would be at 6 ft. Mr. Gesse stated he would follow whatever code allowed.

Hearing no further questions, Mr. Greenwood closed this portion of the public hearing at 2:21 pm.

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

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Action on Variance Case #BZA-2017-14 ~ Owner/Applicant: Gesse Properties of Ohio LLC ~ Location: 111 Tremont City Rd.; Moorefield Twp. ~ Request: Variance to Chapter 2, Section I to allow a 5 ft. rear setback instead of the required 40 ft. to construct new storage buildings.

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

VOTE: Yes: Mrs. Taylor, Mr. Smith, Mr. Hazlett and Mr. Minard.

No: None.

Motion carried.

Variance Case #BZA-2017-15 ~ Property Owners/Applicants: Todd & Teresa Bodey ~ Location: PID #130-15-04480-117-008; Harmony Twp. ~ south side of E. National Rd., approx. 1,500 ft. east of S. Houston Pike ~ Request: Variance to Chapter 8, Section B, 3 to allow an accessory building without a principal building.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located on E. National Road approximately 1,500 ft. east of S. Houston Rd, PID #130-15-04480-117-008, in Harmony Township and consists of 6.39 acres. He stated the property is zoned A-1 (Agricultural District). He explained that the Applicant would like to construct a 60 ft. by 80 ft. (4,800 sq. ft.) building on the property without having a principal structure. Mr. Neimayer explained under Chapter 8, Section B, 3) of the Clark County Zoning Regulations an accessory building shall be erected detached from the principal building. An accessory building that is attached to the principal building, either directly or connected by an enclosed breezeway, is no longer considered an accessory building and must meet the setback requirements of the principal building.

Chairperson Greenwood asked if the Board had any questions for Staff.

Mrs. Taylor asked why the regulation was put in place. Mr. Neimayer responded to be an accessory structure by definition you must have a primary structure.

Mr. Hazlett asked if it could be considered a primary/principal. Mr. Neimayer responded by definition it could not.

Hearing no further questions, Chairperson Greenwood opened this portion of the public hearing at 2:28 pm. and asked if anyone would like to speak in favor of the case.

Todd Bodey, Applicant, 12971 E. National Rd., and Jerry Kaffman, 14623 St. Rt. 31, Kenton, were sworn in. Mr. Bodey stated he bought the subject property with the intent of building a storage building. He did not know there would be a zoning issue. He stated the property was purchased for this purpose and he has ODOT's approval to keep the existing access. Mr. Bodey stated he needed storage close to his home for his vehicles. Mr. Bodey stated he would position the building so a residence could be built later down the road. He stated he would also be cleaning and clearing some of the growth on the property.

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Chairperson Greenwood asked if the storage was for personal vehicles. Mr. Bodey responded yes. He explained he has several classic cars and a few military vehicles. He stated he would not be running a business.

Mrs. Taylor stated she did not see how the structure could cause any issues. She asked if the Applicant if it would be a two story structure. Mr. Bodey responded it would only be a one story structure.

Chairperson Greenwood asked if any audience members would like to speak in favor or against the case.

Floyd Newland, 13259 E. National Rd., was sworn in. Mr. Newland stated he owns property to the west of the subject property. Mr. Newland stated the owner has done work to clear the property and he felt anything he did would be an asset to the area. Mr. Newland stated the area used to be nice years ago. Mr. Newland stated his neighbor Allan Reeves was in favor of the Variance.

Chairperson Greenwood asked if there were any one else to speak on this case. Hearing none, he closed this portion of the public hearing at 2:36 pm. and asked for discussion among the Board.

Mr. Hazlett stated he felt the issue was primary vs. accessory structure. He said the structure will improve the look and property value in the area. He noted that neighbors in the area are in favor of the request. Mr. Hazlett stated based on testimony, he was in favor of the request.

Mrs. Taylor stated it could be considered a convenience, but the structure would enhance an overgrown area, making it more pleasant for others. She stated it would help preserve and sustain property value. She stated she did not see any harm in allowing the request.

Chairperson Greenwood stated it is a rural setting and is not part of a development where it would stand out (look out of place).

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

Action on Variance Case #BZA-2017-15 ~ Property Owners/Applicants: Todd & Teresa Bodey ~ Location: PID #130-15-04480-117-008; Harmony Twp. ~ south side of E. National Rd., approx. 1,500 ft. east of S. Houston Pike ~ Request: Variance to Chapter 8, Section B, 3 to allow an accessory building without a principal building.

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

VOTE: Yes: Mr. Hazlett, Mrs. Taylor, Mr. Smith and Mr. Minard.

No: None.

Motion carried.

Variance Case #BZA-2017-16 ~ Property Owners/Applicants: Wade & Jeanette Brower ~ Location: 4283 Old Mill Rd.; Mad River Twp. ~ Request: Variance to Chapter 8, Section B, 3, b) to allow an accessory building in the front yard at 75 ft. setback instead of the required 300 ft.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 4283 Old Mill Rd. in Mad River Twp. and consists of 2.007 acres. He said the property is zoned A-1 (Agricultural District). He explained the Applicant would like to construct a 20 ft. by 40 ft. (800 sq. ft.) storage barn in the front yard at a setback of 75 ft. from the right-of-way. Mr. Neimayer explained under Chapter 8, Section B, 3, b) of the Clark County Zoning Regulations an accessory structure can be located in the front yard if the setback is at least 300 ft. from the right-of-way.

Chairperson Greenwood asked if the Board had any questions for Staff.

Mrs. Taylor asked if there was a limit on the number of accessory structures. Mr. Neimayer responded if the property was less than one acre, there would be a limit of two structures. He explained that the Applicant's property is over two acres and therefore could have multiple structures with a combined area no greater than 4,500 sq. ft.

Mr. Smith asked where the septic was located. Mr. Neimayer stated he does not have that information and deferred to the Applicant.

Hearing no further questions, Chairperson Greenwood opened this portion of the public hearing at 2:46 pm. and asked if anyone would like to speak in favor of the case.

Wade Brower, Applicant, 4283 Old Mill Rd, was sworn in. Mr. Brower stated he bought the property in 2008 in a sheriff's sale. He stated the property required a lot of work and he has been updating a little each year. He stated the septic/leach filed area was located on the other side of the house. Mr. Brower stated the line on the map establishes the wetland and drop off area. He stated he had plans to remove one small shed and explained that the proposed location is better for access coming off of the driveway. Mr. Brower stated he talked to his neighbors and they voiced that they are okay with the variance request. Mr. Brower added the structure will be shielded by trees. He also noted the structure was for personal use and not a business.

Mr. Hazlett asked if the ground where the proposed building is to be located is the highest suitable area for the structure. Mr. Brower stated it was the most level place to locate the structure.

Chairperson Greenwood asked if any audience members would like to speak for or against the case.

Hearing none, he closed this portion of the public hearing at 2:49 pm. and asked for discussion among the Board.

Mr. Smith stated he was familiar with the area and the land drops off in the back. He stated there were not many level areas on the property.

Mrs. Taylor stated there was nothing to obstruct a view. She stated it would enhance the property and she did not see any issues granting the request.

Mr. Hazlett stated the layout of the land gives limited locations for a building.

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

Action on Variance Case #BZA-2017-16 ~ Property Owners/Applicants: Wade & Jeanette Brower ~ Location: 4283 Old Mill Rd.; Mad River Township ~ Request: Variance to Chapter 8, Section B, 3, b) to allow an accessory building in the front yard at 75 ft. setback instead of the required 300 ft.

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

VOTE: Yes: Mr. Smith, Mr. Minard, Mr. Hazlett and Mrs. Taylor.

No: None.

Motion carried.

Staff Comments

Mr. Neimayer told the Board the next scheduled meeting will be September 28, 2017.

Mr. Neimayer encouraged Board members to attend one of the next round of Connect Clark County public workshops. He passed out the draft action statements and encouraged them to send comments.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:03 pm.

Mr. Tim Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary