

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, October 25, 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 pm. and asked for the Roll Call.

Present For Roll Call

Present For Roll Call: Mrs. Jerri Taylor, Mr. David Minard, Ms. Janie Riggs, Mr. Rick Smith and Ms. Greta Wilt.

Absent For Roll Call: Mr. Paul Hazlett

Also in Attendance: Mr. Allan Neimayer and Mrs. Jennifer Tuttle of Clark County Community & 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. There was none.

Chairperson Taylor noted for the record that approval of the September 27, 2018 minutes will be deferred to next regular meeting due to lack of eligible voters.

Case #BZA-2016-22 ~ Property Owner/Applicant: Todd Tehan ~ Location: PID #080-12-00018-201-013, Limrick Rd.; Green Twp., west end of Jensvold Dr. ~ Request: Variance to Chapter 8, Section B, 3) to allow the construction of an accessory structure without a primary structure.

Remove from Table: Tabled on 10-27-2016:

Motion by Mr. Smith, seconded by Ms. Wilt, to Remove Case #BZA-2016-22 from the Table.

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

No: None.

Motion Carried.

Mr. Neimayer noted that Mr. Minard will be a full voting member for this meeting.

Chairperson Taylor asked for the Staff Report.

Mr. Neimayer, Senior Planner, stated the subject property is located on the west side of Limrick Rd. south of E. Pitchin Rd. (PID # PID 080-12-00018-201-013) in Harmony Twp. More specifically, the property is located at the end of Jensvold Dr. and Eric Dr., both private roads. The subject property is zoned R-1 (Rural Residence District) and consists of 5.60 acres. The Applicant would like to construct a 48 ft. by 64 ft. (3,072 sq. ft.) pole barn with a 12 ft. lean to. Per Chapter 8, Section B, 3) of the Zoning Regulations, an accessory building shall be erected detached from the principal building. Because the Applicant does not intend to build the primary structure (new home) at this time, this variance request has been filed.

The Applicant intends to build the accessory structure on the north side of the property. According to the Applicant, access will be via an ingress/egress easement off of his separate parcel adjacent to 3231 E. Pitchin Rd. Also see County Engineer's Department letter for additional comments regarding access and site distance issues. Mr. Neimayer showed the subdivision vs. the GIS, and noted the 20 ft. easement should not be a separate parcel. He stated he would research that matter.

Ms. Wilt asked what parcel it should be attached to. Mr. Neimayer responded it should be attached to the parcel with the house.

Mr. Neimayer stated the distance of the property from north to south is about 1,027 ft. with a 1.3 percent change in elevation, so pretty flat. He noted the reason this case was tabled in 2016 was concerns regarding access. At that time, it was unclear if there was legal access noting that Jensvold Dr. and Eric Dr. are private roads leading up to the subject property. He noted the survey prepared for the Applicant shows there is legal access to the subject property through recorded documents. Mr. Neimayer noted the County Engineers Department comments from 2016, were before the updated survey. He stated there was no communication received from the neighbors.

Chairperson Taylor clarified that the survey showed proof of easement or access and that is what the Board needed before considering the structure.

Chairperson Taylor asked if the Board had questions for Staff. As there were no questions for Staff, Chairperson Taylor opened the public hearing at 2:10 pm.

Todd Tehan, Applicant, 3215 E. Pitchin Rd., was sworn in. Mr. Tehan stated he did not have anything to add, but could answer questions.

Ms. Wilt asked if Jensvold Dr. goes to the property. Mr. Tehan responded yes.

Chairperson Taylor stated zoning regulation say you cannot have an accessory structure without a primary structure, but we have been looking at updating the regulations. She asked Mr. Tehan if he had plans to build a home on the parcel. Mr. Tehan responded yes, at some point. He noted the home will go in front of proposed barn.

Chairperson Taylor asked if the driveway would come off of Jensvold Dr. Mr. Tehan responded yes.

Ms. Riggs clarified the access and address would be off of Jensvold Dr. Mr. Tehan responded yes. He noted it is a headache to maintain the private roads.

Ms. Wilt asked if Mr. Tehan owned all the parcels on Jensvold Dr. Mr. Tehan responded all but one.

Chairperson Taylor noted there were no audience members, hence no one else to speak for or against the case.

Chairperson Taylor closed the public hearing at 2:14 p.m. and asked for discussion from the Board.

Mr. Smith stated the Applicant satisfied the access concerns. He stated he had no problems with the request.

Chairperson Taylor stated the land use committee has been talking about structures being built before homes. She stated BZA has been looking at ones with accessory building with immediate plans to build new structure.

Ms. Wilt stated she did not see an issue for this property. She noted she felt he will build a home on the property in the future.

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

Case #BZA-2016-22 ~ Property Owner/Applicant: Todd Tehan ~ Location: PID #080-12-00018-201-013, Limrick Rd.; Green Twp., west end of Jensvold Dr. ~ Request: Variance to Chapter 8, Section B, 3) to allow the construction of 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. Minard and Ms. Riggs.

No: None.

Motion carried.

Discussion

Chairperson Taylor asked about the size of the structure. Mr. Neimayer responded it would go through the zoning certificate process for approval.

Mr. Rick Smith asked if he could just attach the land since he owns all the other land around him. Mr. Neimayer responded he does not encourage attaching non platted land to that located in a subdivision.

Case # BZA-2018-27 ~ Property Owner/Applicant: Terry Brown ~ Location: 7533 W. National Rd.; Bethel Twp. ~ Request: Variance to Chapter 8, Section B, 3, b) to allow a 28 ft. by 36 ft. detached garage in the front yard.

Chairperson Taylor asked for the Staff Report. {Note: case number listed wrong on the agenda.}

Mr. Neimayer stated the Applicant, who was not present is a truck driver and did not know if his schedule would allow him to be present. Mr. Neimayer told the Board that he had explained the Health Department's concerns with the Applicant via phone.

Mr. Neimayer stated the subject property is located at 7533 W. National Rd. and consists of 0.49 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to construct a 28 ft. by 36 ft. (1,008 sq. ft.) pole barn in the front yard and has filed this variance request. Mr. Neimayer stated Chapter 8, Section B requires accessory structures to be in the rear or side yard area. Under Section B, 3, b), an accessory structures may be in the front yard "provided it is at least three hundred (300) feet from the road right-of-way." The front of the house to the right-of-way is approximately 267 ft. Mr. Neimayer stated the Health District provided Staff a copy of their records on the subject property which shows the septic tank to the east of the house and the leach field in front and to the east of the house. Per the Health District's records, the well is located on the opposite side of the driveway. Mr. Neimayer noted the septic area is where the Applicant is proposing to build the barn. Part of the loop drive appears to be over leach field. Mr. Neimayer had emailed the Health

District's information to the Applicant and talked about alternatives, reduce size, etc. Mr. Neimayer stated he did not see an area in which to build the structure.

Chairperson Taylor stated he really does not have an area to build except where the tree is.

Mr. Smith asked what the clearance from septic would be. Mr. Neimayer responded 10 ft.

Ms. Wilt asked if the case could be tabled.

Ms. Riggs asked about the sewer line that ran to Donnelsville. She stated she thought it was close by and if the Applicant connected, the problem with the leach field would go away. Mr. Neimayer responded by saying Rick Miller has moved on from the Health District, so new people are reviewing. Mr. Neimayer stated he would double check on the utilities.

Ms. Taylor stated she would agree to table this case to see if the Applicant could tap into the Donnelsville sewer line. She stated she is not in favor of building over the leach bed and creating setback issues. She stated the Applicant needs to take these concerns into consideration and be prepared for the next meeting. She stated his space is very limited.

Chairperson Taylor asked if the Board had any further questions for Staff. There was none.

Chairperson Taylor noted there was no one in the audience.

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

Action on Case # BZA-2018-27 ~ Property Owner/Applicant: Terry Brown ~ Location: 7533 W. National Rd.; Bethel Twp. ~ Request: Variance to Chapter 8, Section B, 3, b) to allow a 28 ft. by 36 ft. detached garage in the front yard.

Motion by Ms. Riggs, seconded by Mr. Smith, to **Table** Case #BZA-2018-27 allowing the Applicant to see if he could tap into the Donnelsville sewer line.

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

No: None.

Motion Carried.

Staff Comments

Mr. Neimayer stated the next scheduled meetings would be on November 29 and December 27, 2018.

Land Use Committee Update

Mr. Neimayer asked the Board for thoughts on doing away pyramid zoning. He explained I-1 also allows 'B' uses. He explained the Committee has suggested breaking the link. He stated it was discussed with the County Planning Commission (CPC), but got some opposition. Some members of the CPC felt it would deter development. Mr. Neimayer explained the Committee is also talking about creating a light and heavy industrial district: light being activities inside a building with little to no noise, dust, odor, smoke etc., and all other industrial activities located in the heavy industrial district.

Ms. Taylor stated she was for breaking the districts into light and heavy and doing away with the pyramid scheme.

Ms. Wilt asked how light and heavy would be determined. She stated many businesses would work in an industrial district. Ms. Taylor stated she felt size can also be a factor, Navistar vs. Hays Fabricating. Mr. Neimayer stated size should not be a factor; rather 'the use' should be the determining factor. Mrs. Tuttle explained it is hard to define light and heavy. She explained that Springfield Township has three industrial zoning districts. Ms. Riggs stated she felt size makes a difference.

Mr. Neimayer stated we have planned districts of mixed use as a means to accomplish this. He stated the comprehensive plan recommends mixed use. The Committee is already working on a mixed use district.

Mr. Smith asked who brought it up. Mr. Neimayer responded a committee member introduced the idea to the whole Committee. Mr. Neimayer noted that most zoning regulations do not allow 'B' uses to crossover into an 'I' district.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:57 p.m.

Mrs. Jerri Taylor, Chairperson

Mr. Thomas A. Hale, Secretary