

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, October 26, 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, Ms. Janie Riggs and Mrs. Jerri Taylor.

Absent For Roll Call: Mr. Rick Smith and Mr. David Minard.

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 none.

Chairperson Greenwood asked if there are any comments regarding the minutes. Ms. Riggs had informed Staff of the following: 1) the words "other" needed to be removed from the 5th paragraph on page 5; 2) the word "an" needed to be removed from the first sentence of paragraph 2. In addition, Mr. Neimayer noted that Ms. Riggs was present at the September meeting and Mrs. Taylor was absent. He noted it was not correctly noted in role call. Chairperson Greenwood asked for a motion.

Approval of the September 28, 2017 Minutes

Motion by Mr. Hazlett seconded by Mrs. Taylor, to **Approve** the minutes as presented and include the corrections as noted.

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

No: None.

Abstain: Mrs. Taylor

Motion carried.

Variance Case #BZA-2017-22 ~ Property Owners/Applicants: Alden & Pamela Beatty ~ Location: 4356 Limrick Rd.; Green Township ~ Request: Variance to Chapter 2, Section A to reduce the front setback from 40 ft. to 28 ft., and to reduce the rear setback from 60 ft. to 55 ft. to allow for a room addition.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 4356 Limrick Rd. and consists of 0.64 acres. He explained the property is zoned A-1 (Agricultural District). The Applicants would like to add an 18 ft. by 40 ft. (720 sq. ft.) room addition to the existing house. He explained the property is only 134 ft. in depth causing an issue with the front and rear zoning setbacks. The Applicants are asking for a 28 ft. front setback and 55 ft. rear setback. Mr.

Neimayer stated under Chapter 2, Section A of the Clark County Zoning Regulations, the front setback requirement in the A-1 District is 40 ft. and the rear setback is 60 ft. He said the front of the house is 15+ ft. from the right-of-way (front setback) whereas the proposed addition would be approximately 28 ft. from the right-of-way. He said the rear of the house is 54+ ft. from the rear lot line. Mr. Neimayer explained the front and rear setbacks of the proposed addition would be greater than that of the existing house.

Chairperson Greenwood asked if there were any questions for staff. There were no questions.

Chairperson Greenwood opened the public hearing at 2:05 pm. and asked if the Applicant wished to speak.

Alden Beatty, 4356 Limrick Rd., was sworn in. Mr. Beatty stated he hoped for approval because he needed more living space.

Mrs. Taylor asked if he had neighbors close by. Mr. Beatty responded his neighbors were not close.

Mrs. Taylor asked Mr. Neimayer for the setback request again. Mr. Neimayer responded the Applicant is asking for 28 ft. for the front and 55 ft. for the rear.

Hearing no further questions, Chairperson Greenwood asked if anyone in the audience wished to speak in favor of this case. There were none. He then asked if anyone wished to speak against this case. There were none.

Chairperson Greenwood closed the public hearing at 2:08 pm.

Mr. Hazlett stated the addition would be an improvement to the area. He stated the lots in the area were divided before zoning regulations. Therefore, he did not see a problem with granting the request. Mrs. Taylor agreed.

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

Action on Variance Case #BZA-2017-22 ~ Property Owners/Applicants: Alden & Pamela Beatty ~ Location: 4356 Limrick Rd.; Green Township ~ Request: Variance to Chapter 2, Section A to reduce the front setback from 40 ft. to 28 ft., and to reduce the rear setback from 60 ft. to 55 ft. to allow for a room addition.

Motion by Mr. Hazlett, seconded by Ms. Riggs, to **Approve** the Variance as presented.

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

No: None

Motion carried.

Variance Case #BZA-2017-23 ~ Property Owners/Applicants: Timothy & Brandi Diehl ~ Location: 9350 Lower Valley Pike; Bethel Township ~ Request: Variance to Chapter 8, Section B, 2, e, 1, a, 3) to allow an in-ground pool with an automatic pool cover instead of required fencing.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 9350 Lower Valley Pike and consists of 11.93 acres. He noted that the property is zoned A-1 (Agricultural District). The Applicants would like to install an in-ground pool with an automatic pool cover instead of the required fencing. Mr. Neimayer explained under Chapter 8, Section B, 2, e, 1, a, 3) it states "The swimming pool or yard shall be surrounded by a four (4) foot wall or fence. Such wall or fence shall be maintained in good condition and properly secured to prevent uncontrolled access." Mr. Neimayer stated the Health Department provided a map of the utilities and it did not appear it would interfere. Mr. Neimayer noted that the BZA just approved a similar case a few months ago.

Mr. Hazlett commented about the previous case for a pool cover and stated the Board had discussed the possibility of changing code to allow an automatic pool cover.

Chairperson Greenwood asked if there were any questions for staff. There were none.

Hearing no further questions, Chairperson Greenwood opened the public hearing at 2:15 p.m.

Timothy Diehl, Applicant, 9350 Lower Valley Pike, was sworn in. Mr. Diehl stated part of the reason he would like the automatic pool cover was to help keep leaves out of the pool. He stated he had considered a key pad or key control for the automatic cover module. Mr. Diehl stated his youngest child is 11 and he felt the automatic cover was safer for her and it would help keep animals out. He stated when the cover is closed, it acts like suction and it is very difficult to get under. Mr. Diehl stated he talked to the Hampshires, the prior Applicant's that received approval, about their automatic pool cover.

Chairperson Greenwood asked if there were any questions.

Mrs. Taylor asked if there was a weight limit. Mr. Diehl responded he did not have documentation from the manufacturer, but he stated around 400 pounds.

Chairperson Greenwood asked if anyone else from the audience wished to speak for this case. There were none. He then asked if anyone wished to speak against this case. There were none. He closed the public hearing at 2:19 p.m.

Mr. Hazlett stated the automatic pool cover is modern technology and it needed to be adapted into zoning regulations. He stated he felt it was a safer option than a fence.

Mr. Greenwood stated the responsible party must still make sure the cover is on just like a fence owner has to make sure a gate is closed. Mr. Greenwood stated he could see the need for this particular area.

Mrs. Taylor stated she felt the cover was safer than a fence.

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

Action on Variance Case #BZA-2017-23 ~ Property Owners/Applicants: Timothy & Brandi Diehl ~ Location: 9350 Lower Valley Pike; Bethel Township ~ Request: Variance to Chapter 8, Section B, 2, e, 1, a, 3) to allow an in-ground pool with an automatic pool cover instead of required fencing.

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

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

No: None.

Motion carried.

Variance Case #BZA-2017-24 ~ Property Owner/Applicant: Vincent Leen ~ Location: 2447 Mechanicsburg Rd.; Moorefield Township ~ Request: Variance to Chapter 6, Section B, 3, e) to reduce the side setback from 30 ft. to 6 ft. for a new sign.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer explained the subject property is located at 2447 Mechanicsburg Rd and consists of 0.32 acres. He stated the property is zoned R-1 (Rural Residence District). The Applicant states his existing sign was damaged from an automobile crash and he would like to erect a new sign but in a different location. Mr. Neimayer explained that Chapter 6, Section B, 3, e) of the Clark County Zoning Regulations, states "Free standing or ground signs shall not be located closer than twelve (12) feet to any existing or proposed street right-of-way, and not closer than thirty (30) feet to any adjoining lot line." The Applicant is asking to erect a new sign approximately 6 ft. from the south/adjoining lot line. Mr. Neimayer explained the Applicant's narrative states "This business is a carry-out, drive thru retail sales of Bait & Tackle. Drive thru continues around building with parking in front lot. After an auto crash that severely damaged existing sign & post which is non-compliant, I would request a variance to erect a new sign and post and allow less than 30 feet to adjoining lot line (approximately 6 ft.)."

Chairperson Greenwood asked if there were any questions for Staff.

Mrs. Taylor asked for the size of the sign. Mr. Neimayer responded he did not have that information, and deferred to the Applicant.

Mrs. Taylor stated there really was not another location for the sign. Mr. Neimayer stated the 30 ft. setback would put the sign in the drive where customers come around the drive-thru.

Mr. Greenwood asked what was on the parcel next to his. Mr. Neimayer responded residential.

Mr. Hazlett asked if Staff received anything from the County Engineer's Office. Mr. Neimayer responded no.

Mr. Hazlett asked if Staff received any complaints from neighbors. Mr. Neimayer responded no.

Hearing no further questions for Staff, Chairperson Greenwood opened the public hearing at 2:27 p.m.

Vincent Leen, Applicant, 6433 Game Farm Road, was sworn in. Mr. Leen stated he needed to relocate the sign out of the middle of the front parking lot. He stated the south lot line is the only real area to locate the sign. Mr. Leen stated he would have the same setback from Mechanicsburg Road. He told the Board it was a lighted pole sign about 10 ft. in height. Mr. Leen stated his property would look better with a new sign.

Chairperson Greenwood asked if anyone else in the audience wished to speak for or against this case. There were no comments. Chairperson Greenwood closed the public hearing at 2:30 p.m.

Mrs. Taylor stated there was not another good location with the sign. She stated the "new" sign would not interfere with the neighborhood.

Mr. Greenwood stated it is an unusual circumstance and the reason the Board grants variances.

Mrs. Taylor stated it would help with parking.

Mr. Hazlett stated the sign was on a pole, elevated and will not restrict visibility.

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

Action on Variance Case #BZA-2017-24 ~ Property Owner/Applicant: Vincent Leen ~ Location: 2447 Mechanicsburg Rd.; Moorefield Township ~ Request: Variance to Chapter 6, Section B, 3, e) to reduce the side setback from 30 ft. to 6 ft. for a new sign.

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

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

No: None.

Motion carried.

Variance Case #BZA-2017-25~ Property Owners/Applicant: Lorrie Crabtree & James Long ~ Location: 1664 Mahar Rd.; Harmony Township ~ Request: Variances to Chapter 8, Section B, 6, c) to allow a 1,600 sq. ft. accessory structure instead of the maximum 1,500 sq. ft. allowed.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 1664 Mahar Rd. and consists of 0.69 acres. He noted the property is zoned R-1 (Rural Residence District). The Applicants would like to construct a 40 ft. by 40 ft. (1,600 sq. ft.) pole barn and have indicated the current accessory structure (approximately 125 sq. ft.) will be removed once the new structure is complete. Mr. Neimayer stated for a property less than one acre in size, Chapter 8, Section B,

6, c) limits the number of accessory structures to two with a combined size not to exceed 1,500 sq. ft. Mr. Neimayer noted there were no issues from the Health Department.

Mrs. Taylor asked if the Board allowed the increased size, could they eliminate any further accessory structures. Mr. Neimayer responded current zoning regulations restrict any further additions without a variance.

Hearing no further questions for Staff, Chairperson Greenwood opened the public hearing at 2:34 pm.

Jason Hux, Hux Construction, 6263 Moorefield Road, was sworn in. Mr. Hux, representing the Applicants, stated the 10 ft. lean to put the Applicants over the allowed maximum square footage. He stated he asked the Applicants about shrinking the size and they did not want to. Mr. Hux stated the applicant wanted the garage for his two vehicles. Mr. Hux stated there is already a new drive to the structure.

Mr. Hazlett asked if the lean to was like a patio with open ends. Mr. Hux responded yes.

Hearing no further questions, Chairperson Greenwood asked if anyone else wished to speak for or against this case.

Mr. Ed Fry, 1622 Mahar Rd., stated he was the neighbor to the south and he was in favor of the Applicants building the garage. Mr. Fry stated it would be a pleasant addition to the lot. He noted it would be about 90 ft. from his house.

Mr. Hazlett asked if there would be any sight obstruction for him. Mr. Fry stated no.

Chairperson Greenwood closed the public hearing at 2:40 pm.

Mr. Hazlett stated he had no issues with the request due to testimony. He also noted the neighbor was in favor of the request.

Mrs. Taylor stated she did not see any issues as long as no future structures are added.

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

Action on Variance Case #BZA-2017-25 ~ Property Owners/Applicant: Lorrie Crabtree & James Long ~ Location: 1664 Mahar Rd.; Harmony Township~ Request: Variances to Chapter 8, Section B, 6, c) to allow a 1,600 sq. ft. accessory structure instead of the maximum 1,500 sq. ft. allowed.

Motion by Ms. Riggs, seconded by Mr. Hazlett, to **Approve** the Variance as presented with the condition the existing, smaller accessory structure be removed upon completion of the new structure.

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

No: None.

Motion carried.

Variance Case #BZA-2017-26 ~ Property Owner/Applicant: Grease Magic FLP ~ Location: 1321 S. Dayton-Lakeview Rd.; Bethel Township ~ Request: Variance to Chapter 2, Section I to reduce the rear setback from 100 ft. to 30 ft., and the side setback from 40 ft. to 25 ft. to add an additional self-storage building.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 1321 S. Dayton-Lakeview Rd and consists of 4.00 acres. He noted the property has split zoning: B-3 (General Business District) in the front and I-1'S' (Industrial District, Specific Use) in the rear. He explained the Applicant would like to construct an additional 35 ft. by 180 ft. (6,300 sq. ft.) self-storage building at the rear of the I-1'S' zoned property and is requesting a variance to reduce the rear setback from 100 ft. to 30 ft. and reducing the side setback from 40 ft. to 25 ft. Mr. Neimayer explained that Chapter 2, Section I (Industrial District) Table 2.6 of the Clark County Zoning Regulations, states the minimum side setback is 40 ft. and the rear setback is 100 ft. when adjoining any Zoning District except "O", "B", or "I".

Mr. Neimayer reviewed the history of the property. He stated the parent 4.0 acre parcel was rezoned from A-1 (Agricultural District) to I-1'S' on January 6, 1987. The 'Specific Use' designation allows for the following uses: lock and store facilities for individual, commercial and industrial storage; office space to serve the storage facilities; and outdoor storage for boats, trailers and recreational vehicles – these uses subject applicable screening requirements. Following up on land use requests for the front part of the parcel other than what the I-1'S' would allow, the then-owner of the property filed an application to rezone the front 1.451 acres to B-3. This latter rezoning request was approved on March 22, 1988 and thus created split zoning of the property.

Mr. Neimayer explained the increase in setback distances in the "I" and "B" zoning districts are intended to buffer those permitted industrial and business land uses with those of an abutting "R" district or existing residential dwellings. Following the 1987 I-1"S" rezoning, the property has been developed with multiple self-storage buildings maintaining the minimum 100 ft. rear setback, with one exception. In 2004, a zoning certificate was issued that allowed a 70 ft. extension for two of the existing self-storage buildings. A self-storage facility is a permitted use under B-4 zoning. The I-1 zoning district allows for those permitted uses under B-4 zoning but must follow the minimum building rear and side setbacks of the I-1 District, Table 2.6, which are 100 ft. rear setback and 40 ft. side setback.

Mr. Neimayer explained sometime between 1964 and 1971, the manufactured home park on Artz Rd. (aka Monroe property) was developed. In response to a water issue, that development, along with the single-family residence also located on the Monroe property, was connected to public water in 1990. Circa 1993, a 1,200 ft. sanitary sewer lateral was constructed from Coachhill Lane along the rear of the subject property (aka Stafford property) up to the manufactured home park. Mr. Neimayer stated Mr. Monroe allowed the Stafford property to connect to his sanitary sewer and water lines in 1996 for the oil/lube center (which follows the March 28, 1988 rezoning), and for the store & lock office in 2002. The sanitary sewer lateral constructed in 1993, which now services several buildings, is located at the rear of the subject property near the area where the Applicant proposes to build the additional self-storage building.

Chairperson Greenwood asked if there were questions for Staff.

Mrs. Taylor asked if the area was residential behind the business. Mr. Neimayer responded yes.

Mr. Neimayer explained the private sewer and directed the Board to the recent comment letter from the County Utilities Department that states the sewer line is not where the Applicant is going to build. The proposed building would be about 14 to 16 ft. from the rear lot line.

Mrs. Taylor asked Mr. Neimayer to explain what the second paragraph of the letter meant. Mr. Neimayer stated it was in reference to any future subdivision and development. He stated the County Utilities Department would require "new lots" to be on public utilities if there was any further development,

Mrs. Taylor stated it appears that Applicant has run out of room to build. She asked if the Applicant owned the self-storage units on the lower parcel. Mr. Neimayer responded yes.

Mr. Neimayer stated there was various communications provided by the County Utilities Department and the history of the parcel in the Board packet. He noted the County Engineer's Department stated they were not opposed to the variance request, but they might need to look into stormwater management due to additional pavement rooftop area.

Mrs. Taylor asked if Mr. Neimayer could foresee any problems in the future with putting the structure there. Mr. Neimayer stated if approved, it could set a bad precedent. He stated setbacks are there for a buffer to residential use.

Hearing no further questions for Staff, Chairperson Greenwood opened the public hearing at 2:58 pm.

Mr. Jon Stafford, Applicant, 9988 W. Union Rd., was sworn in. He stated the sanitary sewer line runs 16 ft. off the rear property line. The request for the setback is 30 ft. for the building. He stated it can move 10 ft. to meet 40 ft. if need. He stated he tried to line it up with the other buildings. The office for the self-storage business, along with the oil exchange business, ties into the private sanitary sewer line. He stated he understands if any future development occurs, he would have to tie in to public utilities.

Mr. Hazlett asked how far is it to the public utilities. Mr. Stafford estimated about 500 ft.

Mr. Stafford stated he currently uses the subject area for open storage. Mr. Hazlett asked if it was fenced. Mr. Stafford responded yes, surrounded by 6 ft. fence.

Mrs. Taylor asked how long the Applicant owned the property. Mr. Stafford responded the family has owned the property since the 1980s.

Hearing no further questions, Chairperson Greenwood asked if there were any other audience members who wished to speak for or against this case.

Commissioner Lowell McGlothin, 327 S Main St., thanked the Board members for serving. He also thanked Staff for their work. Commissioner McGlothin stated he has known the family a long time. He stated Staffco has built a lot of buildings and has done first class work. Commissioner McGlothin stated it was a favorable situation because the Applicant currently

parks stuff in the subject location and it will be a much cleaner look for the residential area to be inside a building. He stated it would line up with the other longer buildings and be beneficial to area property owners.

With no further comments for or against this case, Chairperson Greenwood closed the public hearing at 3:07 p.m.

Motion for Executive Session

Motion by Mrs. Taylor, seconded by Mr. Hazlett, to go into Executive session.

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

No: None.

Motion carried.

Time Out at 3:08 pm.

Chairperson Greenwood noted the Time In at 3:25 p.m.

Mrs. Taylor stated the request is significant (100 ft. to 30 ft.). She stated the land is maxed out and there are no special circumstances presented to approve the request. She noted the property is well maintained and the units are nice, but there are no hardships to allow the granting of the request.

Mr. Hazlett concurred the land is maxed out. He also stated the request does not meet the Variance criteria to be approved.

Ms. Riggs stated there should be more planning done and utilities should be connected to public system.

Action on Variance Case #BZA-2017-26 ~ Property Owner/Applicant: Grease Magic FLP ~ Location: 1321 S. Dayton-Lakeview Rd.; Bethel Township ~ Request: Variance to Chapter 2, Section I to reduce the rear setback from 100 ft. to 30 ft., and the side setback from 40 ft. to 25 ft. to add an additional self-storage building.

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

VOTE: Yes: None.

No: Mrs. Taylor, Mr. Hazlett and Ms. Riggs.

Motion failed. As a result, the variance request is denied.

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Clark County Board of Zoning Appeals

Variance Case #BZA-2017-27 ~ Property Owner/Applicant: Deborah Flook ~ Location: 8789 New Carlisle Pike; Bethel Township ~ Request: Variance to Chapter 2, Section A to reduce the minimum frontage from 150 ft. to 16 ft. to create a new parcel, and to allow three new parcels greater than 4.99 acres.

Chairperson Greenwood asked Mr. Neimayer for the Staff Report.

Mr. Neimayer stated the subject property is located at 8789 New Carlisle Pike (SE corner of New Carlisle Pike and Bischoff Rd.) in Bethel Twp. and consists of 54.26 acres. The property is currently zoned A-1. The Applicant would like to split the property into five (5) new parcels for auction:

Parcel 1: approximate 19 acres	Parcel 4: approximate 2 acres
Parcel 2: approximate 7 acres	Parcel 5: approximate 16 acres
Parcel 3: approximate 3.5 acres	Parcel 6: is labeled as a "Swing" lot and is intended to be combined to an adjacent parcel (not to be a stand-alone parcel)

Mr. Neimayer stated the Applicant is requesting a variance to reduce the minimum frontage from 150 ft. to 16 ft. for Parcel 5. For Parcels 1, 2 and 5, the request is a variance to allow three (3) new parcels greater than 4.99 acres. He noted that, after further discussions with the Applicant, the three parcels greater than 4.99 acres (Parcels 1, 2 & 5) are intended for agricultural use and, therefore, would not need a Variance. He further explained the future use of those parcels other than agricultural use may require additional zoning action.

Mr. Neimayer then explained Chapter 2, Section A (A-1 Zoning District) of the Clark County Zoning Regulations states the minimum frontage for a new lot is 150 ft. The proposed access to Parcel 5 would be off of New Carlisle Pike adjacent to county bridge #1216. The County Engineer's Department raises concerns with this proposed access (see comment letter) and hence would not permit this access point. Furthermore, in prior cases where the request was to reduce the lot frontage requirement, the approved minimum frontage was 50 ft.

With regards to Parcel 6, Mr. Neimayer stated this property would have to be combined with an adjacent parcel: PID #010-05-00017-000-031 or PID #010-05-00017-000-059.

Chairperson Greenwood asked if there were questions for Staff.

Mr. Hazlett asked if the property was already listed. Mr. Neimayer responded it was going to be auctioned in November.

Hearing no further questions for Staff, Chairperson Greenwood opened the public hearing at 3:39 pm.

Mr. Tyler Wilt, Agent, Lebanon, Indiana, was sworn in. Mr. Wilt stated there was no intention to offer any parcel as residential use except for the existing house site – Parcel 4. He stated the only variance request is for the 16 ft. access to Parcel 5. He wanted bidders to have the maximum opportunity to buy. He explained the land could be sold several ways. Mr. Wilt explained the existing easement used for access on Parcel 5. He stated the County Engineer's issues are justifiable. Mr. Wilt explained Parcel 6 will only be offered to surrounding property owners. Mr. Wilt spoke of recreational land is at a premium and that is why the lots are being proposed this way. Regarding Parcel 5, Mr. Wilt presented a drawing to the Board showing a different possibility that involves both Parcels 4 and 6 and thus eliminates the 16 ft. access. He stated the auction is scheduled December 12.

Mrs. Taylor asked Mr. Neimayer if the Board voted down the Plan A, could the Applicant go with Plan B. Mr. Neimayer responded yes; a variance would not be needed for Plan B. Mr. Neimayer noted that Parcel 4 was subject to Health District approval (regarding on-site utilities).

Mrs. Taylor stated she did not think Plan B would hurt the Applicant or the buyer.

Mr. Wilt stated he had not advertised the sale because he wanted to wait until he received approval.

Mrs. Taylor stated she felt it was good farmland and was happy it was staying as agricultural use. She stated she was happy it was not going to be a subdivision. She agreed with the County Engineer's letter that access to Parcel 5 was an issue. She said she liked Plan B better.

Mr. Hazlett stated he felt Plan B was better for the seller and buyer.

Ms. Riggs stated the access for Parcel 5 should be off of Bischoff Road. Mrs. Taylor stated Plan B eliminates the access issue.

Hearing no further questions, Chairperson Greenwood asked if there were any other audience members who wished to speak for or against this case. Hearing none, Chairperson Greenwood closed the public hearing at 3:52 p.m.

Mrs. Taylor stated she was not in favor of the submitted request due to the County Engineer's issues with the access to Parcel 5. She stated there was no hardship or special circumstances. She noted the Applicant had other options.

Mr. Hazlett stated the original proposed option would not work, but the alternative option was acceptable.

Action on Variance Case #BZA-2017-27 ~ Property Owner/Applicant: Deborah Flook ~ Location: 8789 New Carlisle Pike; Bethel Township ~ Request: Variance to Chapter 2, Section A to reduce the minimum frontage from 150 ft. to 16 ft. to create a new parcel.

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

VOTE: Yes:

No: Mr. Hazlett, Ms. Riggs and Mrs. Taylor

Motion carried.

Mrs. Taylor thanked the Applicant for having Plan B, a more acceptable plan.

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Clark County Board of Zoning Appeals

Board Comments

Chairperson Greenwood reminded the Board the next meeting was on Tuesday, Nov. 21, 2017.

Adjournment

Motion by Mrs. Taylor, seconded by Ms. Riggs, to Adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 4 p.m.

Mr. Tim Greenwood, Chairperson

Mr. Thomas A. Hale, Secretary