

# ***Minutes***

## ***Clark County Rural Zoning Commission***

Regular Meeting ~ 9 a.m.  
Thursday, November 15, 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, Mr. Jurick and Mr. Lane.

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

Chairperson Brust asked if there are any comments regarding the minutes. Hearing none, he asked for a motion to approve the minutes.

### **Approval of the September 13, 2018 Minutes**

Motion by Mr. Jurick, seconded by Mr. Lane, to **Approve** the minutes as presented.

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

**No:** None.

***Motion carried.***

### **Zoning Text Amendment #ZA-2018-01 ~ Initiated by the Rural Zoning Commission ~ Request: to delete all reference to "cluster lotsplit" as an optional type of lotsplit: Chapter 2, Section A, 2, b) and Footnote 4.**

Mr. Allan Neimayer, Senior Planner, stated the purpose of this zoning text amendment is to delete all reference to 'cluster lotsplit' as an optional type of lotsplit: Chapter 2, Section A, 2, b) and Footnote 4. The Technical Review Committee (TRC) gave a presentation to the County Planning Commission at their June 7, 2017 meeting regarding cluster lotsplits. The TRC identified several areas where the cluster lotsplit concept has not worked as intended and in some cases has caused problems. Following that presentation and discussion, the CPC agreed with the TRC and passed a motion supporting cluster lotsplits be removed from the county's land use regulations. Mr. Neimayer showed examples of traditional vs. cluster lot splits. It was a tool created from the Crossroad Comprehensive plan. He noted there are comments from TRC in the County Planning Commission's minutes. Mr. Neimayer showed examples of how the cluster lots worked and did not work. He noted being an administrative review process surrounding property owners are not notified. There has been no consistency in determining "front", "side" and "rear" yard areas. Clustered lots have been combined into one lot, thus circumventing zoning regulations resulting in non-conforming lots. The concept was never intended to split off existing farm house from the remaining farm land, and never intended to split an existing, developed single-family lot into two single-family lots. Mr. Neimayer talked about the lot combination process and the need for changes.

Chairperson Brust asked if most of the cases are family members. Mr. Neimayer responded some are, but not all. He noted some are created just to be sold as individual lots.

Mr. Neimayer stated German Twp. took cluster lotsplits out of their zoning regulations, noting emergency vehicle access as an issue. John Burr, County Engineer, has issues with the existing drives.

Mr. Jurick stated given the hardship requirement for variance approval, the second lot in the E. Jackson Rd. example might not have met that requirement. Mr. Jurick asked if the owner in the E. Jackson Rd. example could create a lot along the frontage. Mr. Neimayer responded yes.

Chairperson Brust asked if this was more of an issue in the past or current. Mr. Neimayer responded he felt it is still an issue. He explained a recent request for cluster lots in Madison Township.

Chairperson Brust asked about the possibility of leaving and adding more requirements. Mr. Neimayer responded the standards could be changed, but every site is different. He stated the variance process is a better way to handle it because it is site specific review.

Mr. Jurick explained if the hardship cannot be proved to the BZA, the Applicant could rezone the property to a planned district. He stated there is another choice other than BZA.

Based on discussion of the subject matter at the CPC June 7, 2017 meeting, Staff recommends that the county zoning regulations be amended to delete all reference to 'cluster lotsplit' as an optional type of lotsplit: Chapter 2, Section A, 2, b) and Footnote 4. The County Planning Commission met on November 7, 2018 to review this case. Following discussion, the CPC passed a motion recommending to the Rural Zoning Commission that the zoning text amendment to remove "cluster lotsplit" as an optional type of lotsplit be approved as presented.

Chairperson Brust noted there were no audience members for this public hearing.

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

**Action on Zoning Text Amendment #ZA-2018-01 ~ Initiated by the Rural Zoning Commission ~ Request: to delete all reference to "cluster lotsplit" as an optional type of lotsplit: Chapter 2, Section A, 2, b) and Footnote 4.**

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

**VOTE: Yes:** Mr. Jurick, Mr. Leis, and Mr. Lane.

**No:** None.

***Motion carried.***

Mr. Jurick thanked Staff for the history on cluster lots.

### **Land Use Committee Update**

Mr. Neimayer explained the proposed language for accessory structure without a primary structure. He spoke briefly on the accessory family unit.

Mrs. Tuttle explained some of the proposed language for incidental camping, but indicated it was still under review with the county prosecutor's office.

Mrs. Tuttle explained the need to update the non-conformities section by lot, use and structure. Mr. Neimayer asked for thoughts on extending current build lines. Mr. Jurick stated he felt notification was needed if it affected more than one adjacent land owner. Mr. Brust stated the size of the lot

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would make a difference. Mr. Leis suggested having a percentage of enlargement of the original footprint.

Mr. Neimayer explained the proposed Mixed Use District as MU-1 and MU-2, with a review of zoning district use matrix, update on some definitions and better defined definitions of the 'B' and 'I' district. Mr. Neimayer also discussed the I-1 and I-2 districts with the breaking of the pyramid zoning to the 'B' districts.

### **Staff Comments**

Mr. Neimayer reminded the members about the Planning & Zoning workshop in December.

Mr. Neimayer displayed a sample of the proposed new zoning regulations format. It has a simple Article and Section layout that helps with reference. He noted the county prosecutor's office has suggested the new format be adopted before considering proposed text amendments. Mr. Neimayer asked the Board to initiate a zoning text amendment to adopt the new zoning regulations format.

### **Action to Initiate new Zoning Regulations Format**

Motion by Mr. Jurick, seconded by Mr. Lane, to initiate the zoning text amendment process to adopt the new zoning regulations format.

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

**No:** None

***Motion carried.***

Mrs. Tuttle stated there will be a December meeting.

### **Adjournment**

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

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 10:08 am.

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Mr. Ken Brust, Chairperson

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Mr. Thomas A. Hale, Secretary