

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, January 27, 2022

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Jerri Taylor, Chairperson of the Clark County Board of Zoning Appeals, called the meeting to order at 2:03 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Jerri Taylor, Mr. Paul Hazlett and Mr. Tom Duffee.

Absent For Roll Call: Mr. Rick Smith, Ms. Greta Wilt and Ms. Sandy Forstrom.

Also in Attendance: Mr. Allan Neimayer and Mrs. Rachel Clime-Ricketts of Clark County Community Development.

Chairperson Taylor explained how the meeting will be conducted.

Chairperson Taylor asked if there are any comments regarding the minutes. Hearing none, she asked for a motion.

Approval of the December 16, 2021 Minutes

Motion by Mr. Hazlett, seconded by Mr. Duffee, to **Approve** the minutes with the following change: Page 3, 4th paragraph, 1st line – change “if” to “it; and change, ... there will be “no” sale of ... to read ... there will be “independent” sale of ...

VOTE: Yes: Mr. Hazlett, Mr. Duffee and Mrs. Taylor.

No: None.

Motion carried.

Chairperson Taylor asked for the Staff to present the first case.

Case #BZA-2022-01 ~ Property Owner/Applicant: McAdams Gas LLC ~ Location: 680 McAdams Dr., Bethel Twp. ~ Request: Variance to Section 802.05 to allow an accessory structure in the front yard of a corner lot.

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 680 McAdams Dr. and consists of approximately 1.13 acres. The property is currently zoned B-3 (General Business District). The Applicant has filed this variance request to allow for an accessory structure (gas canopy) in the front yard of a corner lot. The new development is a convenience store with a fuel center. Mr. Neimayer explained that the gas pumps are the accessory structure and they are not to be in the front yard. He reviewed slides of zoning and land use of the subject area. The development will be serviced by public water and public sanitary sewer services.

Mr. Neimayer reviewed the County Engineer’s comment letter – concerns regarding stormwater management and access. The Applicant will need to follow up with the County Engineer’s Office. They know of some drainage issues and want to make sure this won’t add on to existing drainage problems. Mr. Neimayer added, the development plan was forwarded onto ODOT.

Mr. Neimayer stated Bethel Township asked for more information on the proposed development. He provided the township with information filed with the variance application.

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Chairperson Taylor asked about the strip mall and asked if there is a driveway in-between them. Mr. Neimayer explained there are access points off of McAdams Dr. and off of Styer Rd. Chairperson Taylor asked if there is an existing building there. Mr. Neimayer responded yes.

Mr. Hazlett asked about obstruction of traffic with the canopy. Mr. Neimayer responded I do not see that being an issue. The canopy is offset from the Styer Road right-of-way. The County Engineer's Office asked about a courtesy call with ODOT to make sure about the existing drive.

Chairperson Taylor asked if there was a traffic light at Styer Road. Mr. Neimayer responded yes.

Mr. Hazlett asked if height was an issue. Mr. Neimayer reviewed the height limits in zoning code. He added no signage has been presented at this time. Typically, approval for signage comes in separately by the sign company.

Chairperson Taylor stated to clarify about the corner lot, the canopy is considered to be in the front yard because of the corner lot. Mr. Neimayer responded that is correct.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the public hearing at 2:15 pm. and asked if anyone would like to speak in favor of the case.

Kurt Ziessler with Burkhardt Engineering, 28 N. Cherry St. Germantown Ohio, Agent for the Applicant, was sworn in. Mr. Sizer stated he does not have anything to add and is here to answer any questions the Board may have.

Mr. Duffee asked if the existing building will be torn down. Mr. Ziessler responded yes. Mr. Duffee asked if he is aware of the County Engineer's Office's concerns. Mr. Ziessler responded yes and we plan to work through those with them. Mr. Duffee then asked about siting the location of the underground fuel tanks. Mr. Ziessler responded they will be on the north portion of the property.

Mr. Hazlett asked about working on storm drainage. Mr. Ziessler responded that is standard for us.

Chairperson Taylor asked about the height of the canopy. Mr. Ziessler responded I am not 100-percent sure on the height, but if the limit is 35 ft., it will be shorter than that.

With no further questions for Mr. Ziessler, Chairperson Taylor asked if anyone else would like to speak in favor of the case. There were none. She then asked if anyone wanted to speak in opposition of the case. Hearing none, Chairperson Taylor closed the public portion of the hearing at 2:19 pm. and asked for Board discussion.

The Board members went through the findings of facts and did not see any objections.

Hearing no further questions or comments from the Board, Chairperson Taylor asked for a motion.

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Action on Case #BZA-2022-01 ~ Property Owner/Applicant: McAdams Gas LLC ~ Location: 680 McAdams Dr., Bethel Twp. ~ Request: Variance to Section 802.05 to allow an accessory structure in the front yard of a corner lot.

Motion by Mr. Hazlett, seconded by Mr. Duffee, to **Approve** the variance request as presented and conditioned on the Applicant following up with the County Engineer's Office regarding access and stormwater management (reference County Engineer's letter dated 1-26-2022).

VOTE: Yes: Mr. Hazlett, Mr. Duffee and Mrs. Taylor.

No: None.

Motion carried.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2022-02 ~ Property Owner/Applicant: Derrick Olwin ~ Location: 1380 N. Hampton Rd., Bethel Twp. ~ Request: Variance to Section 801.03.02 to allow an accessory structure in the front yard lot less than 300 ft. from the road ROW.

Mr. Neimayer stated that the subject property is located at 1380 N. Hampton Road and consists of approximately 1.47 acres. The property is currently zoned A-1 (Agricultural District). The Applicant has filed this variance request to allow for an accessory structure in the front yard less than 300 ft. from the road. The Applicant is finalizing building plans for a new single-family home.

Mr. Neimayer reviewed the floodplain for this area as of 2006 compared to the current floodplain map dated February 2010. In 2006, the floodplain crossed over to the east side of N. Hampton Rd. Under the current 2010 floodplain map, the floodplain is on the west side of N. Hampton Rd. Hence, the subject property is no longer in the floodplain.

Mr. Neimayer reviewed slides showing the subject property was one of four lots of a 2006 cluster lot split. Mr. Neimayer reviewed the common access with cluster lot splits and that there were restrictions on access by all four lots other than the common access point.

Chairperson Taylor asked about the proposed pole barn location. Mr. Neimayer points on the map where the proposed barn, and house, would be located. He also points out how the slope of the subject property factored in determining those proposed locations.

Mr. Neimayer reviewed the County Engineer's Office's comment letter. They are working with the Applicant on drainage and runoff from the property onto N. Hampton Rd. Mr. Neimayer pointed out that the Applicant would like to have a looped access drive. However, the County Engineer's Office, in their comment letter, stated they would not approve any other access point due to the cluster lot split.

Mr. Duffee asked about the other lots in the cluster lot split. Mr. Neimayer responded two lots ("AA" and "BB") have been combined, so it is currently a 3-lot cluster lot split. Those three lots still have the same shared access point.

Chairperson Taylor asked about easements with the shared drive. Mr. Neimayer responded that easement is already recorded as part of the 2006 cluster lot split. Chairperson Taylor asked with regards to the 300 ft. setback requirement are we looking at any other problems with the distance

from the property line. Mr. Neimayer responded the zoning code does not specify setbacks of accessory structures in the front yard. He noted in the side yard an A-1 District, the minimum side setback is 25 feet.

Chairperson Taylor stated the proposed location is less than 300 feet from the road right-of-way. Mr. Neimayer replied, it is approximately 55 feet, but keep in mind the slope issues.

Mr. Duffee asked about the house plans. They show a double garage. Is that for vehicle storage? And what will the pole barn be used for. Mr. Neimayer stated he will defer that to the Applicant.

With no further questions for Staff, Chairperson Taylor opened this portion of the public hearing at 2:35 pm. and asked if anyone would like to speak in favor of the case.

Derrick Olwin, Owner/Applicant, 7650 W. National Rd., was sworn in. Mr. Olwin stated he is here to answer any questions.

Chairperson Taylor stated I know you are limited to where the house and pole barn can be placed, but going from 300 feet to 55 feet is a big difference. I would like to at least meet the 25 ft. side setback. The Applicant responded it (side setback) is about 20 to 25 feet. Chairperson Taylor stated I would like to be consistent where we can.

Mr. Duffee asked what the purpose is for the barn. The Applicant responded I have a boat and other things requiring large storage. Mr. Duffee stated, let's explore alternatives. Is it possible for the pole barn to be in the rear yard? The Applicant responded unfortunately the soil people came to inspect for the septic and that is where the pole barn will need to go. And then you are back to the topography issue. In rear of the lot there is a natural drainage way from the abutting farm land that goes toward N. Hampton Rd. When we bought the lot it was covered in honey suckle so we were not sure about the slopes of the land.

Mr. Duffee asked about the placement of the driveway into the double garage and the possibility of relocation. The Applicant responded, we would run into right-of-way and property lines issues and topography issues.

Mr. Duffee asked how he envisioned his driveway coming off of the shared access. The Applicant responded this is the first time I am hearing of the single access point. Chairperson Taylor added the County Engineer Office stated they would not approve an additional access point. Mr. Neimayer reviewed cluster lots and their access. Because of safety concern, there is one access point coming off of N. Hampton Rd. and then individual drives spur off once you get further in.

Chairperson Taylor asked when the house will be built. The Applicant responded the plan was to start building in the spring.

Chairperson asked about the two zoning issues: the accessory structure before the permanent structure and the distance from the right-of-way. Mr. Duffee explained to the Applicant about our zoning code and the restrictions on building an accessory structure before the primary structure. He asked was your plan to build them both at the same time? The Applicant responded originally yes. However, with building materials and other things being slowed up, I would like to build the pole barn first.

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Mr. Hazlett states in light of the information we have received today, is this something you would rather Table so you can replan and regroup. The Applicant responded yes.

With no further questions for the Applicant, Chairperson Taylor asked if anyone would like to speak in favor of the variance request. There were none.

Chairperson Taylor then asked if anyone would like to speak in opposition to the request.

Janet Shaw, 1392 N. Hampton Rd., was sworn in. Mrs. Shaw stated she and her husband own the other 3 lots of the clustered lot split. She stated her concern is the gravel that has been laid. It is too close to the property line. Our driveway is right on the other side. If we sell the other lot, there is no way for them to get in or out because there will be a pole barn there. Chairperson Taylor stated we could do the standard 25 feet side setback. Mrs. Shaw stated if he did the driveway where he has planned it would be ok. Chairperson Taylor asked Mrs. Shaw, is the side setback your only objection? Mrs. Shaw responded yes.

Chairperson Taylor asked if the Applicant would like time for to rebuttal.

The Applicant stated the lot she is speaking of (cluster lot "CC") we were trying to purchase it from Mr. Logos. And had we been successful, I would not be standing here today.

Mr. Hazlett stated I do not think you were 100-percent aware of the common access of the cluster lot split and that is why you put it (the gravel pad) so close to that access. The Applicant responded this is the first I am hearing of it (the common access). It does not make sense. With my proposed drive location, I would be coming out on the straight portion of the road. Mr. Hazlett added I just think there is a communication issue. Just putting your gravel in where you did, probably a mistake. The Applicant responded yes.

Chairperson Taylor if you regroup and re plan you could put the pole barn on the other (south) side and it would eliminate it being against the property line. Mr. Hazlett added I would recommend to regroup and restructure your plans as necessary.

Hearing no further discussion, Chairperson Taylor closed the public portion of the hearing at 2:58 pm. and asked for a motion.

Action on Case #BZA-2022-02 ~ Property Owner/Applicant: Derrick Olwin ~ Location: 1380 N. Hampton Rd., Bethel Twp. ~ Request: Variance to Section 801.03.02 to allow an accessory structure in the front yard lot less than 300 ft. from the road ROW.

Motion by Mr. Hazlett, seconded by Mr. Duffee, to **Table** the Applicant's request for up to six months to allow the Applicant to regroup and restructure your plans as necessary.

VOTE: Yes: Mr. Hazlett, Mr. Duffee and Mrs. Taylor.

No: None.

Motion carried.

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Staff Comments

Next scheduled meeting: February 24 and March 24, 2022.

The Board agreed to delay the election of Officers for 2022 to the next meeting.

Adjournment

Motion by Mr. Hazlett, seconded by Mr. Duffee, to Adjourn.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:07 pm.

Mrs. Jerri Taylor, Chairperson