

# Minutes

## Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.  
Thursday, February 25, 2021

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

This meeting is being held through Zoom due to the COVID-19 Shelter in Place Order.

Mrs. Jerri Taylor, 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. Paul Hazlett, Mrs. Jerri Taylor, Mr. Tom Duffee, Ms. Greta Wilt and Mr. Rick Smith.

Absent For Roll Call: Mrs. Sandy Forstrom.

Also in Attendance: Mr. Allan Neimayer, Mrs. Jennifer Tuttle, and Ms. Rachel Clime of Clark County Community and Economic Development.

### **Approval of the December 17, 2020 Minutes**

Motion by Mr. Hazlett, seconded by Mr. Duffee, to **Approve** the minutes as presented adding Ms. Wilt and Mrs. Forstrom as 'Absent' from the meeting.

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

**No:** None.

### ***Motion carried***

Chairperson Taylor asked Staff to present the first case.

### **Case #BZA-2021-01 ~ Owners/Applicants: Brandon & Allison Williams ~ Location: 6788 Fletcher Chapel Rd., Harmony Twp. ~ Request: Variance to Chapter 8, Section 808.06.07 to allow a pond a parcel less than 5 acres.**

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 6788 Fletcher Chapel Rd. and consists of 3.212 acres. The property is currently zoned A-1 (Agricultural District). This property is a recent lot split. The Applicants are planning to build a new single-family and would like to include a pond. Because the property is less than 5 acres, minimum zoning requirement for a pond, they have filed this variance request. Mr. Neimayer reviewed slides of zoning and land use. He referenced a comment letter from Jereme Best, Clark Soil & Water Conservation District.

With no questions for Staff, Chairperson Taylor opened the public hearing at 2:09 pm. and asked if the Applicant would like to speak at this time.

Brandon Williams, Applicant, 6788 Fletcher Chapel Rd., was sworn. Mr. Williams stated he needs dirt for backfill for the new home. This property has been in the family since the 1940s. My father owns this land and knowing the future of this land it presents no threat or damage as long as everything goes in place that is in the plan. We are seeking to build a 60 ft. by 60 ft. pond or smaller.

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Mr. Smith asked, do you have means if it were to become over flow. The Applicant responded the drainage to the road moves east ward. That is the natural roadside drain and it is the drainage for the entire property. Mr. Smith replied, so that would be efficient for the entire property? The Applicant responded, according to his discussion with Mr. Best, yes.

Chairperson Taylor asked about any impact the pond would have on neighbors' water levels? Would the pond be dug into a spring or let it fill naturally? The Applicant responded the pond would fill naturally. We will not dig deep enough to hit a spring. If anything we might tie our well into this. Nothing has been researched to say this would lower the water table on our neighbor's property.

Mr. Duffee asked about the two other lots to the east, what is going to happen to them? The Applicant responded, those belong to my father and will eventually go to my brother and sister. Long term, my wife and I will have the opportunity to buy them if they do not want the land.

With no further questions for the Applicant, Chairperson Taylor asked if anyone would like to speak in favor of this variance request. Hearing none she then asked if anyone would to speak in opposition to this variance request. Hearing none, Chairperson Taylor closed the public hearing at 2:14 pm. and asked for Board discussion.

Mr. Hazlett asked if Jereme Best, Clark Soil & Water Conservation District, was on this call to attest to Mr. Williams claims. Mr. Neimayer asked if he was on the call. There was no response.

Chairperson Taylor stated we are looking at a big shortage in land for a pond. Mr. Duffee states it is a substantial variance request. Chairperson Taylor states, the request does not seem to hurt the overall feel of the neighborhood. Ms. Wilt asked why they did not split off five acres to start with if they owned it all. Chairperson Taylor stated, the remaining land belongs to the siblings.

Mr. Hazlett commented on increasing the size of the lot to get closer to the five acres. I know this property. I am curious if there was a culvert to transfer the water underneath the road. Chairperson Taylor stated, it is not a creek just a ditch. The creek is up away from the road.

Chairperson Taylor re-opened the public hearing at 2:20 pm and swore in Jereme Best, Clark Soil and Water Conservation District.

Chairperson Taylor asked regarding the pond will there be any overflow issues and any impact with the neighbors and their water level.

Mr. Best stated when I spoke with the County Engineer's Office I asked if the Applicant could a run a six-inch pipe because that is all he would need. There is a small ditch along Fletcher Chapel Rd. and because he is digging the pond, he will have the soil build up for his house. As noted in his report, Mr. Best stated the Applicant is going to encounter sand and gravel that during the winter it will bring in water to the pond and during the summer it will likely take away the water. I do not believe it will affect the neighbors. During heavy rain every place will be inundated with water. I do not see any flooding issues. The reason for the pond is to build up the lot for the house.

Mr. Hazlett asked are you aware of a culvert to get the water across the road. Mr. Best responded there is a culver by the intersection of Newlove Rd. and Fetcher Chapel Rd. Mr.

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Hazlett then asked do you foresee having to put one in to get that water to cross? If I remember that area, across the road seems to be lower. Mr. Best responds there might be but that would be the County Engineer's Office to see if they would need to put one in.

Mr. Hazlett asked the Applicant, is it possible to increase the lot size? The Applicant responded no. We do not own that property. It is to be equally split between the three siblings.

With no further questions for Mr. Best or the Applicant, Chairperson Taylor closed the public hearing at 2:27 pm.

Mr. Smith stated one thing we need to look at is to truck that amount of dirt in. That is a huge cost, so I see why he wants to build the pond. After hearing Mr. Best talk and no over flow, I do not see an issue with it. I see the Applicant is going the right way with this. That is a small hardship to truck in that much dirt.

Chairperson Taylor stated cost is not a hardship. I am concerned that it is just over three acres and we need a minimum of five acres.

Mr. Hazlett stated the pond itself looks like it will be very functional. It could be an advantage to the entire area. Digging a shaped pond to get the dirt necessary to build up his lot for his house just makes since to me. It is a nice area over there I would expect good things out of it.

Ms. Wilt adds, I do not like it is under five acres. I agree with what Mr. Hazlett had to say. They should have been more aware of the zoning having just splitting off the lot.

Mr. Duffee states, I think it is a substantial request. I think he is mitigated by the longtime ownership of the larger property and the fact that the siblings at this time do not intent to build next to it. I do not think it will alter the character of the neighborhood. Does anyone else feel that the overall ownership of the larger property mitigates the request?

Chairperson Taylor stated I do not think it would take away from the neighborhood. My only concern is the size of the lot.

With no further Board discussion, Chairperson Taylor asked for a motion.

**Action on Case #BZA-2021-01 ~ Owners/Applicants: Brandon & Allison Williams ~ Location: 6788 Fletcher Chapel Rd., Harmony Twp. ~ Request: Variance to Chapter 8, Section 808.06.07 to allow a pond a parcel less than 5 acres.**

Motion by Mr. Smith, seconded by Mr. Hazlett, to **Approve** the variance request as presented.

**VOTE: Yes:** Mr. Smith, Mr. Hazlett and Mr. Duffee.

**No:** Ms. Wilt.

***Motion Carried.***

Chairperson Taylor asked Staff to present the next case.

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**Case #BZA-2021-02 ~ Owner: Brian Clem Farms LLC ~ Applicant: Brian Clem ~ Location: 4819 Springfield-Xenia Rd. , Green Twp. ~ Request: Variance to Chapter 2, Section 201 to reduce the minimum frontage from 150 ft. to approximately 118 ft.**

Mr. Neimayer stated the subject property is located at 4819 Springfield-Xenia Rd. and consists of 5.08 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to split off the existing house site, approximately 1.0 acre, in order to construct a new single-family home on the remaining parent parcel. Because this proposed split would leave the parent parcel with approximately 118 ft. of frontage, which is less than the minimum 150 ft. required by zoning, the Applicant has filed this variance request. Mr. Neimayer reviewed slides of zoning and land use.

Mr. Hazlett asked has the County Engineer's Office been consulted? Mr. Neimayer responded they were at the Technical Review Committee meeting, but this is ODOT jurisdiction.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 2:41 pm. and asked if the Applicant wished to speak at this time.

Brian Clem, Applicant, 4540 Springfield-Xenia Rd. was sworn in. Mr. Clem stated that they bought this adjacent property to their family farm planning to build another home. We then found out we do not have enough road frontage.

Ms. Wilt asked where on the property were you planning to build? The Applicant replied back away from US 68. I have lived on US 68 my whole life so I know the traffic.

Chairperson Taylor asked are you related to the current property owner? The Applicant replied I am the property owner.

Mr. Smith asked what are your plans for the existing house close to the road? The Applicant we plan to keep the property forever so it could be rented or kept for future children. Mr. Smith then asked no plans to sell it? The Applicant responded correct.

Mr. Hazlett asked do you have a line of trees that divide the property? The Applicant responded it is a drainage ditch to move the water. That is the property line. Mr. Hazlett then asked are you aware of where your well and septic are? The Applicant responded yes.

With no further questions for the Applicant, Chairperson Taylor asked if anyone wished to speak in favor of this variance request. Hearing none she then asked if anyone would like to speak in opposition to this variance request. Hearing none, Chairperson Taylor closed the public portion of the hearing at 2:53 pm. and asked for Board Discussion.

Mr. Smith stated I understand what he is trying to do and he is trying to keep it in zoning laws. It is all his land and he has no intention of selling it off which would be a problem.

Mr. Duffee stated if he wants to build a new house that old house would need to come down.

Chairperson Taylor stated I do not think that has anything to do with the frontage.

Ms. Wilt stated I have no problem with it. He is building it in the back and I do not see an issue with another driveway. And he has no intention of getting rid of it.

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Mr. Hazlett stated it is a classic family situation. They have it and developed it since the 80s.

Chairperson Taylor stated I do not see any impact negative or positive on the community.

There was a discussion on frontage for the house lot and the residue property.

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

**Action on Case #BZA-2021-02 ~ Owner: Brian Clem Farms LLC ~ Applicant: Brian Clem ~ Location: 4819 Springfield-Xenia Rd. , Green Twp. ~ Request: Variance to Chapter 2, Section 201 to reduce the minimum frontage from 150 ft. to approximately 118 ft..**

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Approve** the variance request as presented. Mr. Neimayer asked for clarification which property the Board wants to have the smaller frontage. The Board wants the new/smaller lot to have the smaller frontage.

**VOTE: Yes:** Mr. Hazlett, Mr. Smith and Ms. Wilt.

**No:** Mr. Duffee.

***Motion Carried.***

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2021-03 ~ Owner/Applicants: Chad & Amanda Hobbs ~ Location: 6564 Ravenna Ave., Mad River Twp. ~ Request: Variance to Chapter 8, Section 802.06.03 to reduce the side setback from 5 ft. to 2.3 ft. for a 22 ft. by 30 ft. detached garage**

Mr. Neimayer stated the subject property is located at 6564 Ravenna Ave. and consists of 0.21 acres. The property is currently zoned R-2A (Medium Density, Single-Family Residence District). The Applicants received approval to Variance #BZA-2020-28 on July 23, 2020 to reduce the side setback from 5 ft. to 3 ft. for a detached garage subject to having a survey done to verify the property boundary line. The result of the survey identifies the detached garage at 2.3 ft. from the side lot line. Hence, the Applicants have filed this "new" variance request to reduce the previously approved 3 ft. setback to 2.3 ft. Mr. Neimayer reviewed slides of zoning, land use and the survey of the property.

Mr. Hazlett asked, can you refresh my memory, did we testify as to why that building was going in there at the angle.

Mr. Neimayer states, I cannot answer that. There is a subdivision with an easement which may have some issue with that.

Mr. Duffee stated as I recall the detached garage was already built. Mr. Neimayer responded this started as a code enforcement matter.

Chairperson Taylor asked is that building up? Mr. Neimayer responded yes it is up.

With no further questions for Staff, Chairperson Taylor opened the public portion of the hearing at 3:04 pm. and asked if the Applicant wished to speak at this time.

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Amanda Hibbs, Applicant, 6564 Ravenna Ave., was sworn in. Mrs. Hibbs stated that we had the survey done as the Board requested. The survey showed the garage to be 2.3 ft. from the side lot line. We thought it was 3 ft.

Chairperson Taylor asked the building was already completed before the survey was done. The Applicant responded yes.

With no further questions for the Applicant, Chairperson Taylor asked if anyone wished to speak in favor of this variance. Hearing none she then asked if anyone wished to speak in opposition to this variance request. Hearing none Chairperson Taylor closed the public hearing at 3:06 pm. And asked for Board discussion.

Mr. Duffee stated it would be a hardship to move it now. I think it is too big for the property.

Mr. Smith stated there is not much we can do about it now. I is hard to know where the property line is without the survey.

Ms. Wilt added it would be nice to make sure setbacks were fine.

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

**Action on Case #BZA-2021-03 ~ Owner/Applicants: Chad & Amanda Hobbs ~ Location: 6564 Ravenna Ave., Mad River Twp. ~ Request: Variance to Chapter 8, Section 802.06.03 to reduce the side setback from 5 ft. to 2.3 ft. for a 22 ft. by 30 ft. detached garage**

Motion by Ms. Wilt, seconded by Mr. Hazlett, to **Approve** the variance request as presented.

**VOTE: Yes:** Ms. Wilt, Mr. Hazlett, Mr. Duffee and Mr. Smith.

**No:** None.

***Motion Carried.***

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2021-04 ~ Owners/Applicants; Don & Lori Monst ~ Location: 10593 Plattsburg Rd., Harmony Twp. ~ Request: Variance to Chapter 2, Section 204 to reduce the front setback from 30 ft. to 12 ft. to build a new single- family home**

Mr. Neimayer stated the subject property is located at 10593 Plattsburg Rd. and consists of 0.22 acres. The property is currently zoned R-2 (Low Density, Single-Family Residence District). The prior home was demolished due to extensive fire damage. The Applicants are planning to rebuild and have filed this variance request as the new home will not comply with the required front setback requirement. Mr. Neimayer reviewed slides of existing zoning and land use.

Mr. Smith asked, are they trying to reconstruct the house on existing foundation? Mr. Neimayer responded, I do not believe so as the new house is centered on the lot. I will defer to the Applicant on that.

Mr. Hazlett asked, did the old house conform to the setback? Mr. Neimayer responded, there was zoning at that time.

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Mr. Smith asked, they are asking to reduce the front setback to 12 ft.? Mr. Neimayer responded, it will be 40 ft. from centerline per the Thoroughfare Plan and another 12 ft. front setback, so it would be 42 ft. from centerline.

Mr. Hazlett asked, do we have measurements from the leach field and septic? Mr. Neimayer responded, I cannot give you exact measurements. The Health District requires at least 10 feet of separation. If they do not meet that, they will need to work with the Health District through their variance process.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 3:15 pm. and asked if the Applicants wished to speak at this time.

Donald Monst, Applicant, 10593 Plattsburg Rd., was sworn in. Mr. Monst stated from the center of the road to the front of the house is 60 ft. and an 8 ft. porch which takes it down to 52 ft. We have 16 ft. from the back of the house to the starting of the septic. The new house will be on a new foundation.

Mr. Hazlett asked, so you will utilize the existing septic and leach field. The Applicant responded, yes that is a possibility. Mr. Hazlett so you could actually slide the new home back about 6 ft. How much of a hardship would it be to do? The Applicant responded, it would not be a hardship because we have not started digging yet. Mr. Hazlett then asked, would you consider that for approval? The Applicant responded I would in order to get it done.

Ms. Wilt stated I would like to move the new home back a little bit. Mr. Duffee agreed. Mr. Smith adds, if we can get it back further but not have to look at someone's back yard from the front porch.

Chairperson Taylor asks Mr. Neimayer, could we ask him to move the new home back 6 to 8 ft. and give them a range? Mr. Neimayer responded, I would stay away from a range and go with the minimum that the Board comfortable with. Mr. Duffee stated, making the minimum setback 18 ft. instead of 12 ft. Mr. Hazlett agreed.

Chairperson Taylor asked the Applicant, would you be willing to allow us to amend the request from 12 ft. to 18 ft. The Applicant responded I would not have a problem with that.

Chairperson Taylor asked if there was anyone who wished to speak in favor of this variance. Hearing none the then asked if there was anyone in opposition to this variance request who wished to speak at this time. There were none. Chairperson Taylor closed the public hearing at 3:21 pm. and asked for Board discussion.

Chairperson Taylor stated the Applicant is okay to moving the front setback from 12 ft. to 18 ft. Mr. Hazlett added it is a small adjustment but workable. Ms. Wilt agreed. Mr. Smith stated the septic might require more footage then that.

Chairperson Taylor states, we can Table this Case and let the Applicant find out if they can be in compliance with our request. Mr. Smith stated, if he finds out more information and come to find out he cannot be in compliance with our 18 ft. request, then he would have to come back through. Mr. Hazlett, Ms. Wilt and Mr. Duffee all agreed.

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

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**Action on Case #BZA-2021-04 ~ Owners/ Applicants: Don & Lori Monst ~ Location: 10593 Plattsburg Rd., Harmony Twp. ~ Request: Variance to Chapter 2, Section 204 to reduce the front setback from 30 ft. to 12 ft. to build a new single- family home.**

Motion by Mr. Smith, seconded by Ms. Wilt, to **Table** the variance request for up to 90 days to allow the Applicant to verify a front setback of 18 ft. would meet approval of the Health District.

**VOTE: Yes:** Mr. Smith, Ms. Wilt, Mr. Duffee and Mr. Hazlett.

**No:** None.

### ***Motion Carried.***

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2021-05 ~ Owners/Applicants: Chris & Megan Barson ~ Location: 5549 Fowler Rd., Mad River Twp. ~ Request: Variance to Chapter, Section 8802.03.052 to allow an accessory structure without a primary structure larger than 1,500 sq. ft. (proposed structure is 2,820 sq. ft.).**

Mr. Neimayer stated the subject property is located at 5549 Fowler Rd. and consists of 4.25 acres. The property is currently zoned A-1 (Agricultural District). The subject property was originally one of four cluster lots, but the Applicants bought this parcel and combined it with the adjacent cluster lot into one overall parcel. The Applicants are planning to build a new single-family home. They would first like to construct an accessory structure to store materials & equipment as the new home is being built. Because this accessory structure would be larger than 1,500 sq. ft. (proposed size is 2,820 sq. ft.), the Applicants have filed this variance request. Mr. Neimayer reviewed slides of zoning and land use.

Chairperson Taylor asked so were looking at two variance requests not one. Mr. Neimayer responded yes it can be looked at it that way.

With no further questions for Staff, Chairperson Taylor opened the public hearing at 3:32 pm. and asked if the Applicants wished to speak at this time.

Chris Barson, Applicant, 5549 Fowler Rd. was sworn in. Mr. Barson stated my request is to build an accessory structure before the primary residence. I talked to Mr. Neimayer about this the prior year and the adopted Zoning Amendment (allowing an accessory structure without a primary structure) was written a little differently. An accessory structure had to be less than 1500 sq. ft. We are planning on building our future home here in June this year. The only thing hindering this is building an accessory structure in April, two months prior to building our home. Under the current code, I am aloud to build a 6,000 sq. ft. accessory structure (with a primary structure).

With no questions for the Applicant, Chairperson Taylor asked if anyone wished to speak in favor of this variance. Hearing none, she then asked if anyone is in opposition to this variance request and wished to speak at this time. There were none. Chairperson Taylor closed the public hearing at 3:35 pm. and asked for Board discussion.

Chairperson Taylor stated, we have had this come up numerous times and that is why it was addressed during the zoning amendments. I like the fact that the Applicant has definite plans to build and it will be short term.



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Mr. Smith, stated I drove past this and the neighborhood is nice and I see this Applicant is trying to do the same thing. I do not see a problem with it

Mr. Duffee added I see no problem. Ms. Wilt stated I think it is an appropriate size building for that lot. Mr. Hazlett agreed with Ms. Wilt. We have seen these buildings before and they are nice.

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

**Action on Case #BZA-2021-05 ~ Owners/Applicants: Chris & Megan Barson ~ Location: 5549 Fowler Rd., Mad River Twp. ~ Request: Variance to Chapter, Section 8802.03.052 to allow an accessory structure without a primary structure larger than 1,500 sq. ft. (proposed structure is 2,820 sq. ft.).**

Motion by Mr. Duffee, seconded by Mr. Smith, to **Approve** the variance request as presented.

**VOTE: Yes:** Mr. Duffee, Mr. Smith, Mr. Hazlett and Ms. Wilt.

**No:** None.

***Motion Carried.***

### **Staff Comments**

Next Scheduled meetings are March 25 and April 29, 2021.

### **Adjournment**

Motion by Mr. Duffee, seconded by Mr. Smith, to **Adjourn.**

***VOTE: Motion carried unanimously.***

The meeting was adjourned 4:02 pm.

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Mrs. Jerri Taylor, Chairperson