

# Minutes

## Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm  
Thursday June 24, 2021

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 2:01 pm. and asked for the Roll Call.

**Present For Roll Call:** Mr. Paul Hazlett, Mrs. Sandy Forstrom, Mr. Rick Smith,  
Mrs. Jerri Taylor, Mr. Tom Duffee and Ms. Greta Wilt.

**Absent For Roll Call:** None.

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

### Approval of the April 29, 2021 Minutes

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

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

**No:** None.

**Abstain:** Ms. Wilt.

**Motion Carried.**

### Approval of the May 27, 2021 Minutes

Motion by Mr. Smith, seconded by Mrs. Forstrom, to **Approve** as presented.

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

**No:** None.

**Abstain:** Mr. Hazlett and Ms. Wilt.

**Motion Carried.**

Chairperson Taylor asked Staff to present the first case.

**Case #BZA-2021-18 ~ Property Owner/Applicant: Alan Kilbourne ~ Location: 557 Enon Rd., Bethel Twp. ~ Request: Variance to Section 201 to reduce the front setback from 40 ft. to 30 ft. for a room addition (a 13 ft. expansion).**

Mr. Allan Neimayer, Senior Planner, stated that the subject property is located at 557 Enon Rd. and consists of approximately 20 acres. The property is currently zoned A-1 (Agricultural District). The Applicant has filed this variance request to reduce the front setback from 40 ft. to 30 ft. for a room addition (13 ft. expansion). Mr. Neimayer reviewed slides of zoning and land use of the subject area. Mr. Neimayer explained that the Applicant attached a narrative of what they plan to do with the property.

Mrs. Forstrom asked if the house is non-conforming. Mr. Neimayer responded correct.

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With no further questions for Staff, Chairperson Taylor opened the public portion of the hearing at 2:06 pm. and asked if the Applicant would like to speak.

Chairperson Taylor stated the Applicant is not in the audience.

Chairperson Taylor asked if anyone is in favor of this variance that wished to speak at this time. There were none. She then asked if anyone wished to speak in opposition to this variance. There were none

Chairperson Taylor closed the public hearing at 2:07 pm. and asked for Board discussion.

Chairperson Taylor stated she does not see a problem with this. The house is already grandfathered in. They never had the correct distance from center line.

Mr. Smith agreed. The existing house is already there and non-conforming. I do not see a problem with it.

Mr. Hazlett added I think it will be an improvement to this place.

Mrs. Forstrom stated I agree. It looks like it will be flush with the current house.

Mr. Duffee agreed.

Ms. Wilt also agreed. I see it as an improvement.

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

**Action on Case #BZA-2021-18 ~ Property Owner/Applicant: Alan Kilbourne ~ Location: 557 Enon Rd., Bethel Twp. ~ Request: Variance to Section 201 to reduce the front setback from 40 ft. to 30 ft. for a room addition (a 13 ft. expansion).**

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

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

**No:** None.

***Motion Carried.***

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2021-19 ~ Property Owner/Applicant: Jerry Sowards ~ Location: 6838 Old Springfield Rd., Madison Twp. ~ Request: Variance to Section 802.02.063 to increase the maximum size of an existing Accessory Dwelling Unit from 600 sq. ft. to 696 sq. ft.**

Mr. Neimayer stated that the subject property is located at 6838 Old Springfield Rd. and consists of approximately 1.04 acres. The property is currently zoned A-1 (Agricultural District). The Applicant has filed this variance request to increase the maximum size of an existing Accessory Dwelling Unit from 600 sq. ft. to 696 sq. ft. Mr. Neimayer reviewed slides of zoning and land use of the subject area. Mr. Neimayer stated that the Health District wanted to comment that this needs to be tied to well and septic.

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Chairperson Taylor asked, do you know why they are requesting the additional 96 sq. ft. Mr. Neimayer responded I will defer to the applicant.

With no further questions for Staff, Chairperson Taylor opened the public portion of the hearing at 2:11 pm. and asked if the Applicant would like to speak.

Jerry Sowards, Applicant, 6838 Old Springfield Rd., was sworn in. Mr. Sowards explained the area that is circled is already there; it has been built. I just want to use that space and I am not allowed to use it yet.

Chairperson Taylor asked, you are not adding on you just need permission to use the space. The Applicant responded correct.

Ms. Wilt asked when the barn was constructed. The Applicant responded it is two years old. Ms. Wilt then asked you have not used it yet. The Applicant responded no, it has been for storage.

Mr. Neimayer explained we are looking at changing this from storage to an accessory dwelling structure.

Chairperson Taylor asked this square footage was not in there two years ago. Mr. Neimayer responded that is correct.

Mrs. Forstrom asked is the accessory dwelling unit for a family member. The Applicant responded it probably will be. Mrs. Forstrom then asked, is there a requirement who it can be. Mr. Neimayer responded it is intended for family not as a rental. The Applicant added it will not be a rental.

Mr. Duffee asked, do you have water and sewer. The Applicant responded yes. The building actually had its own parcel and meter. It had an efficiency apartment and that was attached to the original.

Mrs. Forstrom asked does it have a kitchen. The Applicant responded it used to have an efficiency apartment in it so it does have a bathroom and kitchen.

Mr. Hazlett stated you have the house in the front which is the primary residence and this is a secondary building that is a residence for a family member. He asked, but at one time it was being used as an efficiency apartment? The Applicant responded at one time it was an apartment on its own separate parcel. Not long ago I combined the parcels. Mr. Hazlett then asked they shared the driveway with the separate parcel? The Applicant responded right. Mr. Hazlett stated so by combining the two parcels it made things harder not easier. The Applicant responded right.

Mr. Smith asked is this is attached to the main structure. The Applicant replied correct, to the garage.

With no further questions for the Applicant, Chairperson Taylor asked if anyone is in favor of this variance that wished to speak at this time. There were none. She then asked if anyone wished to speak in opposition to this variance. There were none.

Chairperson Taylor closed the public hearing at 2:17 pm. and asked for Board discussion.

Ms. Wilt stated I do not see a problem with it. It is making it more usable.

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Mr. Duffee stated once again we have a regulation that is 600 square feet. However it seems to be a hardship to deny a structure that is already there.

Mrs. Forstrom stated I have a problem with it being over the 600 sq. ft. requirement and no one is living in it. I would say stick with the 600 square foot.

Mr. Hazlett stated the way the parcels have been combined and the existing structure was there and it was added onto and is utilizing the space. Sure we would like him to come before it was built but I do not see a problem with it. I am aware of the property and I think it is the best use of space.

Mr. Smith agreed with Mr. Hazlett. The structure has been there and it is in the rear yard.

Chairperson Taylor asked what the acreage is on this lot. Mr. Neimayer responded 1.04 acres. Chairperson Taylor asked if any additional accessory structures would be allowed. Mr. Neimayer stated our limit is 3,000 combined square feet.

Chairperson Taylor stated looking at the findings of facts and I do not see anything one way or another. I agree with the Board that we would have loved to see this two years ago, but it is there now. I do not see it affecting the use of property or the neighborhood. It would be a hardship to change it.

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

**Action on Case #BZA-2021-19 ~ Property Owner/Applicant: Jerry Sowards ~ Location: 6838 Old Springfield Rd., Madison Twp. ~ Request: Variance to Section 802.02.063 to increase the maximum size of an existing Accessory Dwelling Unit from 600 sq. ft. to 696 sq. ft.**

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

**VOTE: Yes:** Mr. Smith, Mr. Hazlett, Mr. Duffee and Ms. Wilt.  
**No:** Mrs. Forstrom.

***Motion Carried.***

Chairperson Taylor asked Staff to present the first case.

**Case #BZA-2021-20 ~ Property Owner/Applicant: Peggy Sue Haun ~ Location: 210 Lake Shore Rd., Bethel Twp. ~ Request: Variance to Section 207 to reduce the side setback from 15 ft. to 10 ft. for a room addition.**

Mr. Neimayer stated that the subject property is located at 210 Lake Shore Dr. and consists of approximately 0.22 acres. The property is currently zoned R-CL (Residential-Crystal Lakes District). The Applicant has filed this variance request to reduce the side setback from 15 ft. to 10 ft. for a room addition. Mr. Neimayer reviewed slides of zoning and land use of the subject area. Mr. Neimayer stated that the Health District wanted to comment that the addition maintain a 10 ft. separation from the well.

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Chairperson Taylor stated the Applicant is not here and I am wondering if they can reconfigure this addition. Mr. Neimayer explained any other location would require a variance to setback requirements.

Mrs. Forstrom stated that the existing rear setback is 16 feet. The rear setback of the proposed addition would be 19 ft. They would not meet the rear setback either. Mr. Neimayer stated that would need to add to the variance request.

The Board discussed the size of the room. Mrs. Tuttle added that the Applicant stated in their application that the addition is for their mother.

Mrs. Forstrom added that it would be nice to know where the well is.

Mr. Duffee stated that would be good information to have. I do not see any other place for an addition.

Ms. Wilt added she does have a fenced yard.

Mr. Smith stated I think everyone is in agreement that there is not another place for it. They are trying to do the right thing by coming before the Board. I do not think we have the right to tell them to reconfigure their room. It will not make it any worse or any better.

Mr. Hazlett stated they are trying to do what they can. I agree with Mr. Smith. I do not see an issue other than knowing where the well is located. I would approve with the stipulation it remain 10 feet from the well.

Chairperson Taylor explained some regulations are changed because we see an increase in people wanting to add dwellings onto properties for rooms. It is not ideal but their intentions are good. Looking at the findings of facts and I do not see anything overwhelming.

Chairperson Taylor opened the public portion of the hearing at 2:32 pm. and asked if the Applicant would like to speak at this time. Chairperson Taylor stated the Applicant is not present.

Chairperson Taylor asked if anyone is in favor of this variance that wished to speak at this time. There were none. She then asked if anyone wished to speak in opposition of this variance. There were none

Chairperson Taylor closed the public hearing at 2:33 pm. and asked for a motion.

**Action on Case #BZA-2021-20 ~ Property Owner/Applicant: Peggy Sue Haun ~ Location: 210 Lake Shore Rd., Bethel Twp. ~ Request: Variance to Section 207 to reduce the side setback from 15 ft. to 10 ft. for a room addition.**

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Approve** the request with the stipulation the room addition maintain a 10 ft. separation from the well.

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

**No:** None.

***Motion Carried.***

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## Clark County Board of Zoning Appeals

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2021-21 ~ Property Owner/Applicant: Amira Aljabi ~ Location: 5340 Springfield-Xenia Rd., Green Twp. ~ Request: Variance to Section 204 to reduce the road frontage from 150 ft. to 125 ft. to create a new single-family lot with 123 ft. of frontage.**

Mr. Neimayer stated that the subject property is located at 5340 Springfield-Xenia Rd. and consists of approximately 2.98 acres. The property is currently zoned R-1 (Rural Residence District). The Applicant has filed this variance request to reduce the road frontage from 150 ft. to 125± ft. to create a new single-family lot with 123± ft. of frontage. Mr. Neimayer reviewed slides of zoning and land use of the subject area. The Health District requires a soil analysis to insure the proper area for the house, well, septic and leach field.

Chairperson Taylor asked about a shared driveway. Mr. Neimayer stated that is subject to ODOT deferred to the Applicant.

Mrs. Forstrom asked so it has not been split yet. Mr. Neimayer responded correct.

Mr. Hazlett asked do we have an issue with drainage. Mr. Neimayer responded there were no comments from the County Engineer's Office.

Mr. Smith asked do you have the width of both lots after the split. Currently were at 258.5 feet according to the survey information on record. The lots would be approximately 125 ft. and 123 ft. Factors involved will be what ODOT approves for the driveway, and then what we need for lot size which is soil evaluation. Mr. Hazlett asked it should be 150 feet so they would be under by about 25 feet. Mr. Neimayer responded correct.

Mr. Duffee asked so neither lot will have the required 150 feet of frontage. Mr. Neimayer responded that is correct. Mr. Duffee then asked they only need a variance on one? Mr. Neimayer responded they will need a variance (frontage) for both lots.

Chairperson Taylor stated so we are looking at approving both properties being under the 150 feet and we would vote on it that way today. Mr. Neimayer responded correct.

Mrs. Forstrom asked what the minimum lot size is. Mr. Neimayer responded one acre.

With no further questions for Staff, Chairperson Taylor opened the public portion of the hearing at 2:42 pm. and asked if the Applicant would like to speak at this time.

Amira Aljabi, Applicant, 5340 Springfield-Xenia Rd., was sworn in. Mrs. Aljabi explained we live on 2.98 acres and would like to split it and put a family home next to us. We have a soil evaluation scheduled for the 26<sup>th</sup> of July. We have spoken with ODOT and they said they did not see an issue with putting in the driveway. I will submit a driveway application so they can review it.

Mr. Hazlett asked, so it will have separate driveways not a combined drive? The Applicant responded we would prefer to have two separate driveways. Mr. Hazlett then asked is the split proposed for family. The Applicant responded yes. Mr. Hazlett asked how long they have lived in the parent property. The Applicant responded about three years.

# **Minutes**

## **Clark County Board of Zoning Appeals**

With no further questions for the Applicant, Chairperson Taylor asked if anyone is in favor of this variance that wished to speak at this time. There were none. She then asked if anyone wished to speak in opposition to this variance. There were none

Chairperson Taylor closed the public hearing at 2:44 pm. and asked for Board discussion.

Chairperson Taylor stated I have some concerns, but it is not my decision if ODOT allows them to have another driveway. US 68 is very busy and I would have some safety concerns. It creates an addition hazard. They are looking at a family property. What happens when those families move and then you have two houses on top of each other and both with reduced frontage?

Mr. Duffee stated I also have concerns. That property is narrow for two houses. It is also an area of US 68 that has new houses but there are farm fields behind it. To have two houses this close together, later down the road this could cause an issue.

Ms. Wilt stated as far as the driveway goes as long as ODOT approves it I am ok with it and their idea of safety for that area. There is some density in that area but if the soils and measurements work out I would be ok with it.

Mrs. Forstrom asked how long it would take for ODOT to come back with an approval for the driveway. Maybe we should wait on that approval. Chairperson Taylor stated I do not know that we can look at that because it is an ODOT issue.

Mr. Hazlett explains, we have one lot that is in compliant and then splitting it. I agree with everyone and if ODOT thinks it is ok I am good with the driveway. I have my reservations and some other checks and balances that need to come into play. I am on the fence.

Chairperson Taylor stated we as property owners sometimes want to do something with our property, but it is not set up to do what we want to do. It is not conducive to add an additional dwelling or a pool in the front yard. Sometimes we have restrictions. I have an issue with the density and it being crammed into that little area.

Mr. Smith stated there are many one acre lots throughout this whole county. The people themselves did not set it up; the county set it up that way. I see a lot of houses built on one acre lots and their fine. They are going about this the right way. The driveway is out of our authority. They will meet the side setbacks and are planning on a possible geothermal field. I have no issue with it and I think it should be approved.

Mr. Hazlett added if this lot was another 50 feet we would not be debating it.

Hearing no further comments Chairperson Taylor asked for a motion.

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**Action on Case #BZA-2021-21 ~ Property Owner/Applicant: Amira Aljabi ~ Location: 5340 Springfield-Xenia Rd., Green Twp. ~ Request: Variance to Section 204 to reduce the road frontage from 150 ft. to 125 ft. to create a new single-family lot with 123 ft. of frontage.**

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

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

**No:** Mr. Duffee.

***Motion Carried.***

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2021-22 ~ Property Owner/Applicant: Eric Woodland ~ Location: 4263 Limrick Rd., Green Twp. ~ Request: Variance to Section 204 to reduce the front setback from 35 ft. to 28 ft. for an 18 ft. by 24 ft. room addition.**

Mr. Neimayer stated that the subject property is located at 4263 Limrick Rd. and consists of approximately 1.24 acres. The property is currently zoned R-1 (Rural Residence District). The Applicant has filed this variance request to reduce the front setback from 35 ft. to 28 ft. for an 18 ft. by 24 ft. room addition. Mr. Neimayer reviewed slides of zoning and land use of the subject area.

With no questions for Staff, Chairperson Taylor opened the public portion of the Hearing at 2:57 pm. and asked if the Applicant would like to speak at this time.

Eric Woodland, Applicant, 4263 Limrick Rd., was sworn in. Mr. Woodland explained I purchased this property and it is small for my family. I am requesting to put the room addition here because there is nowhere else I can put it. Utilities are to the left, septic goes straight back and my driveway is to the right. This is the only possible place I can put it.

Mr. Hazlett asked what is the square footage of the existing building? The Applicant responded it is about a 1,000 sq. ft. It is a 58 ft. by 20 ft.

Chairperson Taylor stated I do not see where there would be any issues with traffic going down that road.

With no further questions for the Applicant, Chairperson Taylor asked if anyone is in favor of this variance that wished to speak at this time. There were none. She then asked if anyone wished to speak in opposition to this variance.

Chairperson Taylor closed the public hearing at 3:00 pm. and asked for Board discussion.

Chairperson Taylor stated I do not see an issue with this request. I do not see any other options for this addition.

Mr. Hazlett stated I think it is fine.

Mr. Smith added if this house would have been squared up we would not be sitting here.

Mrs. Forstrom stated I think it is fine.

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## Clark County Board of Zoning Appeals

Mr. Duffee added I am good with it.

Mrs. Wilt added I am familiar with this location and I think it is fine.

**Action on Case #BZA-2021-22 ~ Property Owner/Applicant: Eric Woodland ~ Location: 4263 Limrick Rd., Green Twp. ~ Request: Variance to Section 204 to reduce the front setback from 35 ft. to 28 ft. for an 18 ft. by 24 ft. room addition.**

Motion by Mrs. Forstrom, seconded by Mr. Duffee, to **Approve** the request as presented.

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

**No:** None.

***Motion Carried.***

Chairperson Taylor asked Staff to present the next case.

**Case #BZA-2021-02 Discussion & Action Property Owner: Brian Clem Farms LLC Applicant: Brian Clem Location: 4819 Springfield-Xenia Rd., Green Twp. ~ Change Request: Variance to Section 201 to reduce lot frontage from 150 ft. to 115± ft. to allow for a lot split.**

Mr. Neimayer stated that 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. Mr. Neimayer reviewed slides of zoning and land use of the subject area.

On February 25, 2021, the BZA voted to approve a variance to Section 201 to split off the existing house site with the residue land (parent parcel) to maintain 150 ft. frontage. Based on the soil analysis by Deaton Soil Services, the Health District is requiring the existing house site to have 157± ft. of frontage to accommodate a future leach field area. This will result in the parent parcel having 115± ft. of frontage. Therefore, the Applicant is now requesting the BZA to amend their original approval from the February 25<sup>th</sup> meeting.

Chairperson Taylor asked is the Applicant still planning on building a house in the back? Mr. Neimayer responded yes as far as I know.

Mr. Hazlett asked, so we are basically flipping the road frontage. Mr. Neimayer responded yes.

Chairperson Taylor opened the public portion of the hearing at 3:06 pm. and asked if the Applicant wished to speak. She noted that the Applicant is not in the audience.

Chairperson Taylor asked if anyone wished to speak in favor of this variance. There were none. She then asked if anyone wished to speak in opposition of this variance. There were none.

Chairperson Taylor closed the public portion of the meeting at 3:06 pm. and asked for Board discussion.

The Board was in agreement that there is not an issue to switch the frontage as requested.

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Action on Case #BZA-2021-02 Discussion & Action Property Owner: Brian Clem Farms LLC  
Applicant: Brian Clem Location: 4819 Springfield-Xenia Rd., Green Twp. ~ Change  
Request: Variance to Section 201 to reduce lot frontage from 150 ft. to 115± ft. to allow for  
a lot split.

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

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

**No:** Mr. Duffee.

***Motion Carried.***

### **Staff Comments**

Next Scheduled Meetings: August 26 2021.

A future work session was discussed. Chairperson Taylor suggested adding a work session item to the end of a regular meeting agenda unless there are several cases to be heard.

### **Adjournment**

Motion by Mr. Smith, seconded by Ms. Wilt, to **Adjourn**.

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

The meeting was adjourned 3:20 pm.

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Mrs. Jerri Taylor, Chairperson