

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 1:00 pm.
Thursday, August 25, 2022

Springview Government Center
3130 East Main Street
Springfield, Ohio 45503

Jerri Taylor, Chairperson of the Clark County Board of Zoning Appeals, called the meeting to order at 1:00 pm. and asked for the Roll Call.

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

Absent For Roll Call: None.

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

Chairperson Taylor explained how the meeting will be conducted.

Approval of the July 28, 2022 Minutes

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

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

No: None.

Abstain: Mrs. Smith.

Motion carried.

Mrs. Smith Recused herself from Case #BZA-2022-03.

Motion by Mr. Smith, seconded by Mr. Duffee, to remove Case #BZA-2022-03 from the **Table**.

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

No: None.

Chairperson Taylor asked Staff to present the first case.

Case #BZA-2022-03 ~ Tabled on 2-24-2022 ~ Property Owners/Applicants: Josh & Morgan Barnett ~ Location: 9662 South Charleston Pike., Madison Twp. ~ Request: Variance to Section 808.09.05 to allow for ground mounted solar panels in the front yard.

Mr. Neimayer, Senior Planner, stated the subject property is located at 9662 South Charleston Pike and consists of 4.02 acres. The property is zoned A-1 (Agricultural District). The Applicants have filed this variance request to allow for solar panels in the front yard: 150.9 ft. from the centerline of South Charleston Pike and 1.6 ft. from the side/north lot line.

Hearing no questions for Staff, Chairperson Taylor opened the public portion of the hearing at 1:06 pm. and asked if the Applicant would like to speak. The Applicant was not present.

Chairperson Taylor asked if anyone would like to speak in favor of the variance request. There were none. She then asked if anyone wished to speak in opposition.

Steve Coppess, 225 E Main St., Medway, OH, was sworn in. Mr. Coppess stated if you have waited six months for the Applicant to change his site plan or try other remedies and those are not available then I would ask that the Board enforce the code as it is written.

With no one else in the audience to speak on this variance request, Chairperson Taylor closed the public portion of the hearing at 1:07 pm. and asked for Board discussion.

Mr. Smith stated I was against it six months ago and I am still that way. The Applicant has enough land available. I feel he has an alternative solution.

Mr. Duffee stated since the Applicant is not here he must of found an alternative.

Mr. Hazlett stated I am against it. I believe the Applicant has alternatives, and it is not conducive to the surrounding area.

Mrs. Taylor stated I am opposed to this request.

Chairperson Taylor went through the Findings Of Facts. She stated it would be a substantial change and the area would be altered. It would not effective delivery of government services, but I do not know if the homeowner new of the zoning restrictions in advance. We as a Board feel there are alternate methods to their request. The lot size is long and narrow, but again we still feel there are other options available.

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

Action on Case #BZA-2022-03 ~ Tabled on 2-24-2022 ~ Property Owners/Applicants: Josh & Morgan Barnett ~ Location: 9662 South Charleston Pike., Madison Twp. ~ Request: Variance to Section 808.09.05 to allow for ground mounted solar panel in the front yard.

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

VOTE: Yes: None.

No: Mr. Smith, Mr. Hazlett and Mr. Duffee.

Motion carried.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2022-28 ~ Property Owners/Applicants: Casey & Sara Leslie ~ Location: 7720 Milton-Carlisle Rd., Bethel Twp. ~ Original Requests: Seeking the following variances: a) 728.05.04 allowing new construction to the premise to accommodate a condition use; b) Section 728.05.08 to allow a maximum of 4 non-residents of the premise employed, be an independent contractor or volunteer with a conditional use; c) Section 728.05.09 to allow a maximum 4 light duty commercial vehicles parked or stored on the property for a conditional use; and d) Section 728.05.02 to allow 100% of the accessory building to be used for the conditional use.

Mr. Neimayer stated the subject property is located at 7720 Milton-Carlisle Rd. and consists of 1.92 acres. The property, Lot #8 of Valley Estates Subdivision, is currently zoned R-1 (Rural Residence District). The Applicants would like to construct a pole barn not to exceed the allowable sq. ft. for a

major home occupation use (a construction services business), to allow for four nonresidents and four light duty commercial vehicles for this home occupation use, and to use 100% of the pole barn for this home occupation use. Mr. Neimayer reviewed the County Engineer's Office's comment letter regarding storm water. Hearing no questions for Staff, Chairperson Taylor opened the public portion of the hearing at 1:15 pm. and asked if the Applicant would like to speak.

Casey Leslie, Applicant, 7720 Milton-Carlisle Rd. was sworn in. Mr. Leslie presented a PowerPoint presentation he prepared for the meeting. He is asking for three light duty vehicles that are single-axel trucks. Zoning allows for one and he has three for his business. He is asking approval for new construction of the pole barn for the home occupation business. I am allowed a pole barn; I am just asking for it to be used for my business. Mr. Leslie has four workers but zoning only allows two. And that was to assume they would be there all day and assuming cars would be coming and going all day. My workers come in to switch vehicles and they are gone for 10 hours, Monday through Thursday typically, sometimes on a Friday. Those exchanges are 10-15 minutes long in the morning and the evening. I can always have them meet at the job site, but the exchange of vehicles is done for a safety reason. Mr. Leslie is asking for the three trucks. If that is not approved, I would have to look for another space to store them, and that is a concern. We do not have any sales, clients, or anything coming to the property. The building is for the storage. Mr. Leslie explained the integrity of his workers and showed pictures of them to the Board. Mr. Leslie then showed pictures of the work trucks he is asking for to keep on his property.

Mr. Leslie showed examples of prior construction projects and a mockup of what his proposed pole barn might look like. Mr. Leslie reviewed three options for the site location of the pole barn stating that extending the gravel driveway and electric would be costly. He explained it will cost him \$18,000 to landscape the property and therefore would do it in sections. He explained where he would do the screening showing a mockup of the trees he wants to use. Mr. Leslie then identified the area property owners that have accessory structures as well as multiple cars at their homed all hours of the day.

Mr. Leslie stated he is here today to get an explanation on the exact reasons why his Conditional Use request was denied and any adjustments he can make to get an approval. He reviewed improvements made to the exterior of his home and to the driveway. The prior driveway came in at an angle to the garage. It did not make sense to be an S-curved driveway, so he cut out a new driveway to the garage. Mr. Leslie stated that he has three work vehicles; he misspoke at the last meeting. He also has one personal vehicle. Mr. Leslie then showed the pictures of his single-axle work trucks stating that they are professional looking and not junk. He showed the pictures of what his property looks like during the day when at a work site. He explained we work four days a week. It is not six or seven days. This is only happening four days a week in the morning to switch out vehicles. There is no business work being done at the house. The structure will just be storage of vehicles and equipment. No customers come to the property, and we do not sell anything.

Mr. Leslie stated he is no longer asking for a larger accessory structure size. He will build under the allotted 3,000 square feet. He is asking for four non-resident workers. These workers are coming to the property to get a work vehicle. I have three light-duty business trucks. The code limits me to one. I am also asking to use 100% of the accessory structure for the home occupation use. Mr. Leslie talked about planting perimeter trees instead of a fence as landscaping would look better. Most of my neighbors will not be able to see into the rear of the property.

Mr. Duffee asked about the three work vehicles if they would be stored inside the structure. The Applicant responded yes, that is the intention. I would like to store everything inside the structure. Mr. Duffee stated I did not see a camper at the property. The Applicant responded the camper is still being stored at his father's property. Mr. Duffee then asked about the floor of the barn. The Applicant

responded it will be concrete. Mr. Duffee asked if the Applicant has a favorite of the three proposed sites. The Applicant responded I would need to weigh out my options of what makes more sense: fill dirt vs expanding the driveway. I do not have a preference.

Mr. Smith asked about the drainage on Option 2 is that your problem. The Applicant responded the county engineer asked that we do not close the swell. We would build a culvert. There are no water issues.

Mr. Duffee asked about the leach bed location. The Applicant responded the septic is to the left rear of the property, and the leach field is the middle of my backyard.

Mr. Smith asked do you have a preference. The Applicant responded I do not. I am still looking at my options, the cost and everything that goes into it.

Mr. Hazlett asked in the event of approval are you working with the County Engineer's Office. The Applicant responded absolutely.

With no further questions for the Applicant, Chairperson Taylor asked if there was anyone in favor of the variance request that would like to speak.

Richard Baker, 7717 Milton-Carlisle Rd., was sworn in. Mr. Baker stated he has a large picture window that directly faces their property. We moved in in 1995. We have always had outstanding neighbors. The property had been vacant for many years and crumbling. In a matter of weeks, they turned that house around. We are a very close-knit neighborhood. We tend to die before we move. The Leslie's have been outstanding neighbors. They are active to the community and they sponsor a little league team. These are the type of people you want to keep in the county. I walk my dog around 7:00 am. Every morning and she likes to see the workers come and go. They come, they change vehicles and they leave. They are there five minutes tops and they go. They are the type of neighbors we want and entrepreneurs we want in Clark County.

John Bacevic, 7676 Milton-Carlisle Rd., was sworn in. Mr. Bacevic stated I would approve all of these variance requests. I am Mr. Leslie's direct neighbor and our driveways are right next to each other. The barn is a great solution and will make the property more beautiful. It would eliminate the clutter. I can also attest to the workers that come to the property. They are friendly and make little noise. It is a great situation and I am very comfortable with what Mr. Leslie is doing. He is trying to accommodate the neighbor's wishes, and I am very happy that he wants to put the equipment in the barn. Nothing is delivered to the house. It is a great opportunity for him. And I am proud to be his neighbor.

Steve Coppess, 225 E. Main St, Medway, OH, was sworn in. Mr. Coppess asked about the size of the structure. Mr. Neimayer responded 3,000 sq. ft. Mr. Coppess stated commercial projects need to have paved parking unless a variance is issued by the Board. He stated cost should not be a consideration of the Board as far as regulations and voting yes or no.

With no one else to speak in favor of the request, Chairperson Taylor asked if there was anyone in opposition of the variance request that would like to speak. Hearing none, Chairperson Taylor closed the public portion of the meeting at 1:50 pm. and asked for Board Discussion.

Mr. Smith stated after the last meeting and point by point method with his wishes, he answered many questions. I feel he has worked with the right people for this. I think he has gone above and beyond on his plan. I think it will be a good project.

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Mr. Duffee stated I think these requests are an improvement of what is there now.

Mr. Hazlett stated I agree the requests shake each other's hand. If we approve all of these, it would fix the issues we were concerned about.

Mrs. Smith stated I will abstain for being a neighbor.

Chairperson Taylor asked do we need to add an additional variance request to allow gravel parking. Mr. Neimayer responded yes you do. Chairperson Taylor proceeded to review the Findings Of Facts.

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

Action on Case #BZA-2022-28 ~ Property Owners/Applicants: Casey & Sara Leslie ~ Location: 7720 Milton-Carlisle Rd., Bethel Twp. ~ Amended Requests: Seeking the following variances: a) 728.05.04 allowing new construction to the premise to accommodate a condition use; b) Section 728.05.08 to allow a maximum of 4 non-residents of the premise employed, be an independent contractor or volunteer with a conditional use; c) Section 728.05.09 to allow a maximum 4 light duty commercial vehicles parked or stored on the property for a conditional use; d) Section 728.05.02 to allow 100% of the accessory building to be used for the conditional use; and e) Section 501.02 to allow gravel parking.

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Approve** the variance requests as presented with the addition of e) Section 501.02 allowing gravel parking.

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

No: None.

Abstain: Mrs. Smith.

Motion carried.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2022-27 ~ Property Owner: Evans Family Ranch LLC ~ Applicant: Chad Watkins ~ Location: 571 and 11140 Milton Carlisle Rd.; Bethel Twp. ~ Original Requests: a) Variance to Section 501.02 to allow for the use of a gravel parking surface; and b) Conditional Use under Section 501.04.022 for off-street (over flow) parking on Parcel #010-05-00028-108-011 for allowed commercial uses at 571 Milton-Carlisle Rd.

The subject property is located at 571 and 11140 Milton-Carlisle Rd. and consists of 93.74 and 10.74 acres respectively. The two properties are currently zoned A-1 (Agricultural District) and are pending rezoning – County Commissioner's public hearing scheduled for August 24, 2022 – as follows: #Z-2022-04, 11140 Milton-Carlisle Rd., to B-1S (Neighborhood Business District, Specific Use) to allow for a general store, concession stand and a farmers (vendors) market, with continued agricultural use.; and #Z-2022-05, 571 Milton-Carlisle Rd., to B-2S (Community Business District, Specific Use) to allow for a wedding (event) venue and auto repair shop business, with a majority of the property to continue in agricultural use. Pending approval of these two rezoning cases, the Applicant is requesting: a) a variance to Section 501.02 to allow for gravel parking at both properties; and b) Conditional Use approval under Section 501.04.022 for off-street (over flow) parking on the adjacent parcel to the east, PID #010-05-00028-108-011 for allowed commercial uses at 571 Milton-Carlisle Rd. (pending Rezoning Case #Z-2022-05). Mr. Neimayer reviewed the County Engineer's comment

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letter. He then read an email received from Felix Shanahan, 11111 Milton-Carlisle Rd. Chairperson Taylor asked where Mr. Shanahan lives. Mr. Neimayer pointed out on the map where Mr. Shanahan's property is located.

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

Ed Evans, Owner, 9737 New Carlisle Pike, was sworn in. Mr. Evans stated the access lane has been there for 30 years. He spoke to Mr. Shanahan yesterday, leaving here and shook hands. He told me yesterday he did not care about the gravel. Mr. Evans spoke on issues of water runoff, access and parking.

Chairperson Taylor asked about handicap accessibility. What about the increase in traffic? If you have events there it will be heavy traffic. Mr. Evans asked what does that have to do with the pavement. Chairperson Taylor responded it is looking at the whole picture. Mr. Duffee asked about the accesses for the businesses and agricultural use coming off of Milton-Carlisle Rd. Mr. Evans explained the access point off Milton-Carlisle Rd. for the businesses vs separate access points for the agriculture use.

With no further questions for the Owner, Chairperson Taylor asked if there was anyone else in favor of the variance request that would like to speak. Hearing none, she then asked if there was anyone in opposition to the variance request that would like to speak.

Mr. Coppess, 225 E. Main St., Medway OH, was sworn in. Mr. Coppess asked about the area for gravel parking. The Owner responded it totals under an acre. For the property at 11140 Milton-Carlisle Rd. we did create a handicap parking spot. At the event center we will do the same thing.

There was no one else to speak in opposition and the Owner did not want time for Rebuttal. Chairperson Taylor closed the public portion of the hearing at 2:21 pm and asked for Board discussion.

Mr. Duffee stated I have no problem approving the variances.

Mrs. Smith stated I think it is an acceptable request.

Mr. Hazlett and Mr. Smith both agreed.

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

Action on Case #BZA-2022-27 ~ Property Owner: Evans Family Ranch LLC ~ Applicant: Chad Watkins ~ Location: 571 and 11140 Milton Carlisle Rd.; Bethel Twp. ~ Amended Requests: a) Variance to Section 501.02 to allow for the use of a gravel parking surface; b) Conditional Use under Section 501.04.022 for off-street (over flow) parking on Parcel #010-05-00028-108-011 for allowed commercial uses at 571 Milton-Carlisle Rd.; and c) Variance to Section 501.02 to allow gravel parking surface for the off-street/over flow parking site.

Motion by Mr. Smith, seconded by Mrs. Smith, to **Approve** variance request a) (noted above) as presented.

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

No: None.

Motion carried.

Motion by Mr. Duffee, seconded by Mr. Smith, to **Approve** Conditional Use request b) (noted above) as presented.

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

No: None.

Motion carried.

Motion by Mr. Smith, seconded by Mr. Hazlett, to **Approve** variance request c) to allow overflow parking for the off-street/overflow parking site as presented.

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

No: None.

Motion carried.

Chairperson Taylor asked Staff to present the next case.

Ms. Amanda Perez from Clark County Community and Economic Development was present to assist the Board and Applicant in the Translation of a Spanish Speaking Applicant, Hermenegildo Chavez Juarez.

Case #BZA-2022-26 ~ Property Owner/Applicants: Hermenegildo Chavez Juarez ~ Location: 4022 Osborn Rd., Bethel Twp. ~ Request: Variance to Section 805.03.05 to allow a 24 ft by 100 ft. (2,400 sq. ft.) greenhouse on a parcel without a primary structure.

Mr. Neimayer stated the subject property is located at 4022 Osborn Rd. and consists of 0.45 acres. The property, Lot # 3 of the Kress Plat Subdivision, is currently zoned R-1. The Applicant would like to construct a 24 ft. by 100 ft. greenhouse.

Chairperson Taylor asked what the size of the lot is. Mr. Neimayer responded 0.45 acres.

Mr. Duffee asked about the greenhouse considered agricultural use. And the farm market too. Mr. Neimayer responded yes. But because the property is under an acre, agricultural use is not permitted by zoning. Mr. Neimayer then explained the lot combination process and why the owner name difference keeps the Applicant from doing that.

Chairperson Taylor asked where access to that lot is. Mr. Neimayer responded from his adjoining lot. Mr. Smith asked if he owns the parcel. Mr. Neimayer responded yes.

Hearing no further questions for Staff, Chairperson Taylor opened the public portion of the hearing at 2:40 pm. and asked if the Applicant would like to speak.

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Translated: Hermenegildo Chavez Juarez, Applicant, 4022 Osborn Rd., was sworn in. Mr. Chavez explained his purpose is an experimental planting of fig plants to see if they will grow in this environment.

Chairperson Taylor asked what your future intent is. Translated: The Applicant responded business is to sell the figs. I would need 5,000 plants. Right now I only have 200 to experiment with. I need to cover them for the winter time so they do not die.

Mr. Smith asked if your intentions fail what is the plan with the greenhouse. Translated: The Applicant responded if they do not produce, I would take the greenhouse down, maybe a future house on the property, or maybe a church if it is allowed. Mr. Smith then asked is there a cement floor to the greenhouse. Translated: The Applicant responded no because the plants need to be in the ground.

Mr. Duffee asked if there will be electricity. Translated: The Applicant responded no.

Chairperson Taylor asked about the materials of the structure. Translated: The Applicant responded wood posts and plastic structure. Chairperson Taylor stated I only ask because he said he might take it down. Translated: The Applicant added it is not a permanent structure I need all the time. It is just for the winter season. Chairperson Taylor stated, so a small structure for personal use, but he is looking at this as a business if this goes well.

Mr. Duffee asked if he understands that this is for personal use only and not for business use. Translator: The Applicant responded I just want to use this land as an experiment. If it does, I am not looking to grow for a business or run the business on this land. Mr. Duffee asked about irrigation: will pipes be serving the greenhouse or underground hoses? Translator: The Applicant responded in the winter time they do not need water. The plants sleep during the winter.

Mr. Smith asked what he would do in the summertime. Translator: The Applicant responded you do not have to water them. Whatever rain water comes is enough. They are like corn. Natural water is what it gets.

Mr. Duffee asked how he will access the greenhouse. Translator: The Applicant responded I will cross over from the fence. I will drive on the property I own. I own all the surrounding lots. Mr. Duffee then asked about the setbacks. Mr. Neimayer responded normal setbacks would be five ft. Chairperson Taylor asked could the building be rotated. Mr. Neimayer responded yes.

Mr. Hazlett asked I am assuming his plan is to cover the plants already out there. Mr. Neimayer responded yes. Mrs. Tuttle stated the structure cannot cross the lot line.

Chairperson Taylor stated he can have this for personal use, but it cannot be larger than 1,500 sq. ft. Mr. Duffee stated but he is asking for 2,400 sq. ft. so that would be another variance.

Mr. Duffee asked if the Applicant understands the issue of setbacks from the property lines that is five (5) feet. Translator: The Applicant responded yes.

Chairperson Taylor asked if he understands he is asking for more square footage than what is permitted. Translator: The Applicant responded yes. To cover my plants for winter and it would be taken down after. Mr. Hazlett asked if he is guessing on the size just to cover the plants. Translator: The Applicant responded I put down 100 feet but it could be 50 or 60 feet so it could be smaller.

Chairperson Taylor stated we are only looking at the structure and its size, nothing more.

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Translator: The Applicant responded yes. Mr. Neimayer added at 24 feet by 60 feet we are looking at 1,440 sq. ft. We would be just under the maximum allowed.

With no further questions for the Applicant, Chairperson Taylor asked if there was anyone else in the audience who is in favor of the variance request who would like to speak.

Henry Oak, 3950 Osborn Rd., was sworn in. Mr. Oak stated Mr. Chavez is a wonderful neighbor. If he is asking for something that he wants done in his field he should be allowed to. He mows it. He has helped my neighbor many times. I do not see an issue.

With no one else to speak in favor, Chairperson Taylor asked if there was anyone in the audience who is opposed to the variance request who would like to speak.

Sam George, 4088 Osborn Rd., was sworn in. Mr. George stated they started a petition with 65 signatures that is opposed to this request. He handed the petition to Chairperson Taylor. Mr. George explained as far as personal gardens we have been gardening since we moved into this home. We love them. Mr. George explained appraisers any structures that are not compatible could have a negative impact on property values. He stated that greenhouses do not belong in residential areas. They will have a negative impact on our properties. Chairperson Taylor asked about the maintenance of the Applicant's property. Mr. George responded we have no complaints how he is keeping his property.

Mr. Hazlett asked knowing now that this is a temporary structure, does that change your opinion. Mr. George responded no. My concern is the property values. If someone is trying to sell and needs an appraisal it will lower the value.

Mr. Smith asked Mr. George where he lives. Mr. George responded I am the yard on the other side of the field.

Chairperson Taylor asked is your concern that this would be a business. Mr. George responded our property values are my concern. Chairperson Taylor stated the Applicant would have to come back if he wanted a bushiness use.

Fran Mott, 3657 Osborn Rd., was sworn in. Mrs. Mott stated the Applicant's property is not visible from her property. We heard different than what this planned to be. We heard this was going to be a farm market and a commercial business and it was a permanent structure. The access would have been bad for safety. I do not have a problem with a temporary structure that will be taken down after winter. My last statement is that fig plants do not grow in this area because I have tried.

Steve Coppess, 225 E. Main St., Medway, OH., was sworn in. Mr. Coppess stated he is here for informational purposes. The Applicant stated he is going to put the structure up and take it back down. What type of material will he be using that will allow him the ability to put it up and take it back down. Chairperson Taylor stated the Applicant said it was going to be plastic in nature, a board frame with plastic. Mr. Coppess stated this visqueen dries out. Mr. Smith responded that is not what we are here for. The material the Applicant uses does not affect us.

Nancy Brown, Bethel Township Trustee, was sworn in. Mrs. Brown stated I am here because we have a road involved. On behalf of the Bethel Township Trustees, we are not for or against the request. We do have some questions. He said he wants a farmers market. Where will he sell the figs? Mr. Neimayer responded the Applicant stated that this is experimental. If he wanted to run a business, he stated he will find another location. Chairperson Taylor added if he wanted to do

something on his property for business, he would need to come back in front of the Board. Mrs. Brown stated that he wanted 10,000 fig plants. Mr. Neimayer responded he said 5,000 fig plants. Translator Amanda Perez added the Applicant indicated the fig plants would not be taller than the podium (under 4 feet). Mr. Smith stated any complaints happening after the fact, if we approve this, would be complaint driven and enforcement steps would be taken. We are here to rule on whether or not he can put this structure up. Mrs. Brown stated from my point of view, I get yelled at for the things the county has done since we (Trustees) are the first point of contact. So, I just want to make sure the things getting approved should be getting approved.

Mr. Duffee asked what the Bethel Township Trustees think about the case. Mrs. Brown responded the Trustees are neither for nor opposed to the request.

Chairperson Taylor questioned the size of the structure on the lot. Translator: The Applicant responded if I am only allowed the 1,500 sq. feet then I will keep it at 1,500 sq. ft. Anything in the future I know I will have to ask permission. Chairperson Taylor then asked if the Applicant is aware none of the neighbors want this structure. Translator: The Applicant responded I have heard people do not like it. Chairperson Taylor states, there are a lot of people that do not like it. So, if you do anything that is not permitted, neighbors would turn him in. Translator: The Applicant responded yes. He does not have a problem with people watching.

Mr. Smith asked if the existing fig plants could be relocated so they are more behind his house and not seen from the roadway. Translator: The Applicant responded some plants are already planted and those do cross the property line. The Applicant does not understand why his structure could not cross the lot line when he owns both lots. Translator Amanda Perez explained to the Applicant that he could combine the lots and the greenhouse could be built there. The Applicant responded ok. Mr. Smith asked if the Applicant could combine the lots. Translator: The Applicant responded he does not want to combine the lots.

With no one else to speak in opposition, and no further questions for the Applicant, Chairperson Taylor closed the public portion of the hearing at 3:32 pm. and asked for Board discussion.

Mr. Hazlett stated I think he is trying to put a temporary structure over existing plants already in the ground. It would not be conducive to the project to relocate the plants, and just over the winter. I am ok with it. Mr. Hazlett stated he believes the petition that was submitted is misleading.

Chairperson Taylor stated I am not concerned if it goes up and down. It is an accessory structure on a lot without a primary structure. This is not affecting other property owners. It is in an open field. It would also be unfair to un-plant his fig plants.

Mrs. Smith stated I think this would be alright.

Mr. Duffee stated I am very respectful of Mr. George and the circulation of the petition. But, I fear the signatures were based upon miss information. The testimony today is not what was stated when the petition was circulating. I will also approve as submitted. I would go higher than the 1,500 sq. ft. I also understand the issue with property values. My opinion is different. It will not affect it negatively; it will add to its appearance. I will vote yes to approve the variance.

Mr. Smith stated I did not understand his plants are already in the ground. I just assumed for this experiment he could move this structure around.

Chairperson Taylor went through the Findings Of Facts.

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

Action on Case #BZA-2022-26 ~ Property Owner/Applicants: Hermenegildo Chavez Juarez ~ Location: 4022 Osborn Rd., Bethel Twp. ~ Request: Variance to Section 805.03.05 to allow a 24 ft by 100 ft. (2,400 sq. ft.) greenhouse on a parcel without a primary structure.

Motion by Mr. Smith, seconded by Mr. Duffee, to **Approve** the variance request as presented with five (5) foot setbacks from property lines.

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

No: None.

Translator: The Applicant acknowledged the understanding of the Board's decision.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2022-23 ~ Property Owners/Applicants: Jacob & Silke Berner ~ Location: 7936 W. National Rd., Bethel Twp. ~ Request: Variance to Section 802.02.032 to allow a swimming pool safety cover for an in ground swimming pool instead of the required fence or wall.

Mr. Neimayer stated the subject property is located at 7936 W. National Rd. and consists of 20 acres. The property is currently zoned A-1 (Agricultural District). The Applicants filed this variance request to allow for an automatic swimming pool safety cover for an inground swimming pool instead of the required fence or wall.

The Applicant was not present for the meeting. Mr. Berner did send an email to Mrs. Ricketts stating that they were not able to get off of work to attend the meeting.

With no questions for Staff, Chairperson Taylor opened the public portion of the meeting at 3:48 pm. and asked if anyone was in favor of the variance that would like to speak. Hearing none, she then asked if there was anyone who wished to speak in opposition of the request. Hearing none, Chairperson Taylor closed the public portion of the meeting at 3:49 pm. and asked for Board discussion.

Chairperson Taylor stated we have had these cases many times before. We plan to review this part of the code. It is a matter of preference of the homeowner, and it is their responsibility to have a safety feature in place. It is their liability. Mr. Hazlett stated he agrees.

Mr. Duffee went through the Findings Of Facts.

Mr. Smith stated he also agrees.

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

Action on Case #BZA-2022-21 ~ Property Owners/Applicants: Jacob & Silke Berner ~ Location: 7936 W. National Rd., Bethel Twp. ~ Request: Variance to Section 802.02.032 to allow a swimming pool safety cover for an in ground swimming pool instead of the required fence or wall.

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

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

No: None.

Motion carried.

Chairperson Taylor asked Staff to present the next case.

Case #BZA-2022-24 ~ Property Owners/Applicants: Jeffery & Melinda Andrus ~ Location: 807 Old Mill Rd., Mad River Twp. ~ Requests: Variance to Section 802.06.03 to replace a garage with a larger pole barn (36 ft. by 64 ft.; 21 ft. height).

Mr. Neimayer stated the subject property is located at 807 Old Mill Rd. and consists of 0.7 acres. The property is currently zoned A-1 (Agricultural District). The Applicants would like to replace an existing detached garage with a larger (size & height) pole barn: 36 ft. by 64 ft. (2,304 sq. ft.); 21 ft. height. The Applicants have filed this variance request because the proposed pole barn exceeds the size and height allowed by zoning code.

With no questions for Staff, Chairperson Taylor opened the public portion of the hearing at 3:55 pm. and asked if the Applicant would like to speak.

Jeffery Andrus, Applicant, 807 Old Mill Rd., was sworn in. Mr. Andrus explained he has a block garage that things will not fit in, and I need a bigger one to store all my stuff.

Mr. Duffee asked about the height of the structure. The Applicant responded I am putting up 14-foot walls so I can fit my camper in there.

With no further questions for the Applicant, Chairperson Taylor asked if there was anyone else in the audience in favor of the variance request that would like to speak. Hearing none she then asked if there was anyone in opposition to the variance request that would like to speak. Hearing none, Chairperson Taylor closed the public portion of the meeting at 4:07 pm. and asked for Board Discussion.

Mr. Duffee went through the Findings Of Facts.

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

Action on Case #BZA-2022-24 ~ Property Owners/Applicants: Jeffery & Melinda Andrus ~ Location: 807 Old Mill Rd., Mad River Twp. ~ Requests: Variance to Section 802.06.03 to replace a garage with a larger pole barn (36 ft. by 64 ft.; 21 ft. height)

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Approve** the variance requests with the maximum combined sq. ft. of 2,400 sq. ft. to include the existing 8 ft. by 12 ft. storage shed in the northwest corner of the parcel.

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

No: None.

Motion carried.

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Chairperson Taylor asked Staff to present the next case.

Case #BZA-2022-25 ~ Property Owners/Applicants: Chase & Ashley Harder ~ Location: 1340 Westview Ave., Moorefield Twp. ~ Request: Variance to Section 805.02.01 to allow a 6 ft. tall fence in the front yard of a corner lot.

Mr. Neimayer stated the subject property is located at 1340 Westview Ave. and consists of approximately 0.27 acres. The property, Lot #109 of Willow Chase Subdivision Phase 4-A, is currently zoned R-2A (Medium Density Single-Family Residence District). The Applicant has filed this variance request to allow an existing fence, 6 ft. height, in the front yard of a corner lot.

Chairperson Taylor stated it does not look like it will obstruct any views.

With no questions for staff, Chairperson Taylor opened the public portion of the hearing at 4:12 pm. and asked if the Applicant would like to speak.

Chase Harder, Applicant, 1340 Westview Ave., was sworn in. Mr. Harder explained I did not realize I could not have a fence there. There was already a fence there that was 4 ft. We put the new fence up in the same spot. We just wanted more privacy. We have dogs and a pool to enclose. Mr. Harder submitted a picture.

Chairperson Taylor asked Staff if this was complaint driven. Mr. Neimayer responded the Applicant applied for a zoning certificate for the pool and the issue with the fence was discovered at that time.

Chairperson Taylor asked if anyone else would like to speak in favor of the variance request. There were none. She then asked if anyone wanted to speak in opposition to the variance request. Hearing none, Chairperson Taylor closed the public portion of the hearing at 4:15 pm. and asked for Board discussion.

Mr. Smith stated this is a perfect example of what I have been pushing for. He kept the fence off of the side lot. This is the example we should follow. His side yard is his driveway. Everything he has done is ok to me.

Chairperson Taylor went through the Findings Of Facts.

Mr. Hazlett stated he agrees with Mr. Smith. Mr. Duffee and Mrs. Smith were both in agreement.

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

Action on Case #BZA-2022-25 ~ Property Owners/Applicants: Chase & Ashley Harder ~ Location: 1340 Westview Ave., Moorefield Twp. ~ Request: Variance to Section 805.02.01 to allow a 6 ft. tall fence in the front yard of a corner lot.

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

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

No: None.

Motion carried.

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Staff Comments

Mr. Neimayer stated the next scheduled meetings are September 29 and October 27, 2022.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 4:22 pm.

Mrs. Jerri Taylor, Chairperson