

Minutes

Clark County Board of Zoning Appeals

Regular Meeting ~ 2:00 pm.
Thursday, August 26, 2021

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Chairperson Taylor of the Clark County Board of Zoning Appeals of Clark County Ohio, called the meeting to order at 2:05 pm. and asked for the Roll Call.

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

Absent For Roll Call: Ms. Greta Wilt and Ms. Sandy Forstrom.

Also in Attendance: Mr. Allan Neimayer and Ms. Rachel Clime 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 July 29, 2021 Minutes

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

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

No: None.

Abstain: Tom Duffee.

Motion carried.

Chairperson Taylor asked for the Staff report.

Case #BZA-2021-25 ~ Property Owners/Applicants: Kenneth & Paula Montgomery ~ Location: 523 Newlove Rd., Harmony Twp. ~ Request: Variance to Section 201 to reduce the rear setback from 60 ft. to 30 ft. to build a new single-family home

Mr. Allan Neimayer, Senior Planner, stated the subject property is located 523 Newlove Rd. and consists of 1.36 acres. The property is currently zoned A-1 (Agricultural District). The Applicant would like to build a new single-family home. To avoid substantial slope on the east side of the property, the Applicants have filed this variance request to reduce the rear from 60 ft. to 30 ft. Mr. Neimayer reviewed slides of zoning and land use of the subject area. He explained the Health Department comments. He also referenced an email from Scott Hennigan, a neighbor at 557 Newlove Rd.

Chairperson Taylor asked did we hear a case a couple months ago with the same cluster of homes? Mr. Neimayer responded yes you did.

Mr. Smith asked how much of a drop off? Mr. Neimayer responded between 10% and 17% slope. Mr. Hazlett stated the two numbers on the graph, 1160 to 1140, that is 20 ft. Mr. Smith stated I am talking about by the building, he wants to move it away from property line.

Chairperson Taylor asked what the size of the lot. Mr. Hazlett stated 1.3 acres.

Mr. Duffee asked can you point out Mr. Hennigans's property. Mr. Neimayer identified the property.

Hearing no further questions for Staff, Chairperson Taylor opened this portion of the public hearing at 2:17 pm. and asked if anyone would like to speak in favor of the case.

Ken Montgomery, Applicant, 523 Newlove Rd., was sworn in. Mr. Montgomery stated that with the 60 ft. setback he is about 1 foot away from the drop off. So if we can do 30 ft. it would be better.

Chairperson Taylor asked if they could split it to 45 ft. setback instead of 30 ft. The Applicant responded he will need to check with his contractor. Mr. Smith said we are asking because you knew the guidelines beforehand. Mr. Smith stated what Chairperson Taylor and I are talking about is if we can split it and move it back. I am not in favor of the 30 ft. setback. When this was laid out, the builder should have given you some direction of what could be done.

Chairperson Taylor asked how far along in this project are you? The Applicant responded we have not started building yet.

Mr. Hazlett stated in the layout of your lot you were assuming this lower area was your road frontage. And then you were considering the upper as the back. Mr. Hennigan is across that access road. He is clear down on Newlove Rd. Chairperson Taylor added his letter is about what kind of precedent it would set. It may not affect his view. If we allow this, others could make the same request. It is taking away the country living he has chosen.

Mr. Hazlett stated you are making my point. He is trying to keep someone from building on the lot. If you had a different style there it would stick on the middle of that lot and conform. The Applicant responded that would cost me a lot of money to change the plans.

Mr. Hazlett states, so logistical you're trying to move to 30 ft. Mr. Duffee added 15 ft. would do it. The Applicant responded I think that would work. Mr. Hazlett asked if we have heard from those lots closer to the Applicant. Mr. Neimayer responded no.

Mr. Smith asked it would not mess you up. The Applicant replied, no.

With no more questions for the Applicant, Chairperson Taylor asked if anyone would like to speak in favor of the case. Hearing none, she then asked if anyone wanted to speak in opposition to this case. Hearing none Chairperson Taylor closed this portion of the public hearing at 2:35 pm.

Chairperson Taylor noted we actually deliberated as we went along in questions to the Applicant.

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

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Action on case #BZA-2021-25 ~ Property Owners/Applicants: Kenneth & Paula Montgomery ~ Location: 523 Newlove Rd., Harmony Twp. ~ Request: Variance to Section 201 to reduce the rear setback from 60 ft. to 30 ft. to build a new single-family home.

Motion by Mr. Hazlett, seconded by Mr. Smith, to **Approve** the Variance request with the amendment of a 45 ft. rear setback.

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

No: None.

Motion carried.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is September 23 & October 28, 2021.

Adjournment

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

VOTE: Motion carried unanimously.

The meeting was adjourned at 2:52 pm.

Mrs. Jerri Taylor, Chairperson