

Minutes

Clark County Rural Zoning Commission

Regular Meeting ~ 9:00 am.
Tuesday, September 20, 2022

Springview Government Center
3130 East Main Street
Springfield, Ohio 45503

Ken Brust, Chairperson of the Clark County Rural Zoning Commission, called the meeting to order at 9:00 pm. and asked for the Roll Call.

Present For Roll Call: Mr. Ken Brust, Mr. Wayne Leis, Mr. Matt Taylor, Mr. Larry Spahr, Mr. Pete Lane and Mr. Bob Jurick.

Absent For Roll Call: None.

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

Approval of the August 11, 2022 Minutes

Motion by Mr. Leis, seconded by Mr. Lane, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Leis, Mr. Lane, Mr. Brust, Mr. Taylor and Mr. Spahr.

No: None.

Abstain: Mr. Jurick.

Motion carried

Chairperson Brust asked Staff to present the first case.

Rezoning Case #Z-2022-10 ~ Property Owner/Applicant: Rodz Bros Construction & Remodeling LLC ~ Location: 2783 S. Dayton-Lakeview Rd, Bethel Twp. ~ Request: to rezone parcel from B-3 to B-4 for a self-storage development for boats and RV storage, plus office/shop for Rodz Bros Construction.

Mr. Allan Neimayer, Senior Planner, stated the subject property is located at 2783 S. Dayton-Lakeview Rd. (PID #010-05-00031-300-012) and consists of 5.1 acres. The property is currently zoned B-3 (General Business District). The Applicant would like to rezone the property to B-4 (Heavy Business District) for a self-storage development for boats and RV storage, plus an office/shop for Rodz Bros Construction. Pending rezoning approval, the Applicant will need to get: a) ODOT approval for SR 235 access and roadside drainage; b) Clark County Engineer's Office approval for on-site storm water management; and c) Combined Health District approval for on-site utilities. Mr. Neimayer stated Bethel Township Trustees would like the Applicant to provide a buffer along the north property line to screen the proposed development from the church property. Staff recommends the Applicant's request to rezone the subject property from B-3 to B-4 be approved as presented conditioned upon a landscaped buffer not less than 5 ft. in width of an evergreen hedge or dense planting of evergreen shrubs not less than 4 ft. in height.

The County Planning Commission met on September 7, 2022 to hear this case. Following discussion, the CPC passed a motion recommending to the Rural Zoning Commission to rezone the subject property from B-3 to B-4 as presented with the condition that a landscaped buffer not less than 5 ft. in width of an evergreen hedge or dense planting of evergreen shrubs not less than 4 ft. in height.

Minutes

Clark County Rural Zoning Commission

Mr. Neimayer explained that the nearest public water and sanitary sewer lines are located over 1,000 feet to the north at the intersections of S. Dayton-Lakeview Road and Dalton Drive. Mr. Jurick asked about the utilities to the church. My Neimayer explained that there is a sanitary sewer force main.

Hearing no further questions for Staff, Chairperson Brust opened the public portion of the meeting at 9:04 am. and asked if the Applicant would like to speak.

Mr. Neimayer noted for the record that the Applicant is not present.

Chairperson Brust asked if anyone wished to speak in favor of the rezoning request. There were none. He then asked if anyone wished to speak in opposition of the rezoning request. There were none. With no comments from the Board, Chairperson Brust closed the public portion of the hearing at 9:05 am and asked for a motion.

Action on Rezoning Case #Z-2022-10 ~ Property Owner/Applicant: Rodz Bros Construction & Remodeling LLC ~ Location: 2783 S. Dayton-Lakeview Rd, Bethel Twp. ~ Request: to rezone parcel from B-3 to B-4 for a self-storage development for boats and RV storage, plus office/shop for Rodz Construction.

Motion by Mr. Leis, seconded by Mr. Lane, to ***Approve*** the rezoning request as presented with the condition of a landscaped buffer along the north lot line not less than 5 ft. in width of an evergreen hedge or dense planting of evergreen shrubs not less than 4 ft. in height.

VOTE: Yes: Mr. Leis, Mr. Lane, Mr. Spahr and Mr. Jurick.

No: None.

Motion carried.

Chairperson Brust asked Staff to present the next case.

Case #Z-2022-09 ~ Comprehensive Zoning Map Amendment ~ Proposed Amendment: to rezone 1311 & 1249 Willow Rd. from R-4S to R-1, and to rezone properties on Willow Chase Dr. and Willow Gate Dr. from R-4S to R-2A in Moorefield Twp. to put existing single-family residential lots in proper zoning district. Initiated by the Rural Zoning Commission.

Mr. Neimayer explained there are properties on a section of Willow Rd. and on Willow Chase Dr./Willow Gate Dr. that are zoned R-4S (Multi-Family Residence Specific Use), but the actual land use is single-family residence. He explained single-family residence is not a permitted use under R-4 zoning and, therefore, those single-family residences are illegal. Staff became aware of this matter a couple of years ago when a property owner inquired of building a new single-family home on a vacant parcel on Willow Rd. Staff researched the rezoning history of this area of Willow Rd. and Willow Chase Dr./Willow Gate Dr. and did not find any rezoning case that put the subject properties into a proper single-family residence zoning district. Therefore, Staff had asked the Board to initiate the comprehensive zoning map amendment process to rezone the two Willow Rd. properties to R-1 and to rezone the Willow Chase Dr./Willow Gate Dr. properties to R-2A. Mr. Neimayer stated a detailed letter explaining this zoning matter was sent to the affected property owners.

Staff researched the rezoning history of this area of Willow Rd. and Willow Chase Dr./Willow Gate Dr. (late 1980s thru the 1990s) and did not find any rezoning case that put the subject properties into a proper single-family residence zoning district. This information was presented to the Rural Zoning Commission at their August 11, 2022 meeting at which time they passed a motion to initiate the

comprehensive zoning map amendment process with the objective to rezone these properties to the proper single-family residence district.

Staff recommends Rezoning 1311 & 1249 Willow Rd. from R-4S to R-1 (Rural Residence District), and rezoning the existing 16 lots accessed from Willow Chase Dr. and the exiting 3 lots accessed from Willow Gate Dr. from R-4S to R-2A (Medium Density Single-Family Residence District). Mr. Neimayer stated a complete list of the properties involved (owners, addresses and parcel numbers) is on file with this rezoning application.

The County Planning Commission met on September 7, 2022 to hear this case. Following discussion, the CPC passed a motion recommending to the Rural Zoning Commission to Approve the zoning map amendments as presented by Staff.

Mr. Jurick asked what prompted this research. Mr. Neimayer explained the owner of the lot on Willow Road wanted to build a single-family home. Because zoning of that property was listed as R-4S, the property had to be rezoned. Looking into adjacent properties with existing single-family homes, Staff found more parcels Zoned R-4S. Chairperson Brust added when the developer was planning this maybe he thought he would have more multi family.

Hearing no further questions for Staff, Chairperson Brust opened the public portion of the meeting at 9:10 am. Chairperson Brust asked if anyone wished to speak in favor of the rezoning request. There were none. He then asked if anyone wished to speak in opposition of the rezoning request. Hearing none, Chairperson Brust closed the public portion of the hearing at 9:11 am. and asked for a motion.

Action on Case #Z-2022-09 ~ Comprehensive Zoning Map Amendment ~ Proposed Amendment: to rezone 1311 & 1249 Willow Rd. from R-4S to R-1, and to rezone properties on Willow Chase Dr. and Willow Gate Dr. from R-4S to R-2A in Moorefield Twp. to put existing single-family residential lots in proper zoning district.

Motion by Mr. Spahr, seconded by Mr. Lane, to **Approve** the requested Comprehensive Zoning Map Amendment as presented by Staff.

VOTE: Yes: Mr. Spahr, Mr. Lane, Mr. Leis and Mr. Jurick.

No: None.

Motion carried.

Case #ZA-2022-01 ~ Comprehensive Zoning Text Amendment ~ proposed Zoning Text Amendment: to add Section 102.03.031: "Fencing shall be provided per section 805 or other approved methods as imposed by the Zoning Inspector".

Mr. Neimayer explained this Zoning Text Amendment is to include fencing requirements on a non-agricultural exempt parcel that was in error left out of the final version of the 2020 text amendments. Mr. Neimayer explained this is not adding new language. This language about the fencing has been in the zoning regulations since 1996. In 2013, Staff was directed to change the term 'zoning inspector' to 'zoning administrator'. In 2020, it was changed back to 'zoning inspector' after the County Prosecutor's Office informed Staff that in the Ohio Revised Code the term used is 'zoning inspector'. Staff recommends approval of the proposed text amendment: adding Section 102.03.031: "Fencing shall be provided per Section 805 or other approved methods as imposed by the Zoning Inspector".

Minutes

Clark County Rural Zoning Commission

The County Planning Commission met on September 7, 2022 to hear this case. Following discussion, the CPC passed a motion recommending to the Rural Zoning Commission to Approve the zoning text amendment as presented by Staff.

Mr. Spahr asked is this about chickens. Mr. Neimayer responded this is about the fencing of animals. Mr. Spahr asked about Zoning Regulations of the keeping of animals. Mr. Neimayer explained that on a lot size of 1 to 5 acres we can regulate the keeping of animals with 50 foot setbacks.

Hearing no further questions for Staff, Chairperson Brust stated that there is nobody in the audience so he will not open the public hearing. Hearing no questions from the Board, Chairperson Brust asked for a motion.

Action on Case #ZA-2022-01 ~ Comprehensive Zoning Text Amendment ~ proposed Zoning Text Amendment: to add Section 102.03.031: "Fencing shall be provided per section 805 or other approved methods as imposed by the Zoning Inspector.

Motion by Mr. Lane, seconded by Mr. Leis, to **Approve** the requested text amendment as presented by Staff.

VOTE: Yes: Mr. Lane, Mr. Leis, Mr. Spahr and Mr. Jurick.

No: None.

Motion Carried.

Staff Comments

Next scheduled meetings are October 13 and November 10, 2022.

Miami Valley Planning & Zoning Workshop on December 2, 2022.

Adjournment

Motion by Mr. Leis, seconded by Mr. Spahr, to **Adjourn.**

VOTE: Motion carried unanimously.

The meeting was adjourned at 9:17 am.

Mr. Ken Brust, Chairperson