

Granville Township Zoning Commission

December 16, 2013

Public Meeting

Minutes

Present: Commissioners Tom McCullough, Steve Brown, Vince Paumier, and Chairman Chip Blanchard, Recording Secretary, Betsey Hampton

Absent: Commissioner Greg Davis

Guests: Granville Township Fiscal Officer Jerry Miller, Granville Township Trustee-elect Melanie Schott, Rob Schaadt, and Zoning Inspector and Compliance Officer Warren May

Chairman Blanchard opened the meeting at 7:00 p.m.

I. Chairman Blanchard welcomed Rob Schaadt and requested he provide a brief biography including his work experience, family, etc. Mr. Schaadt may be appointed as Commissioner Davis' replacement in 2014.

Mr. Schaadt reported he has lived in Granville for 16 years and is a real estate appraiser. Mr. Schaadt reported he is married and has a daughter who is a senior. Mr. Schaadt reported he was on the Granville Township Land Management Committee for four years and has worked with the Township Trustees concerning Green Space issues. Mr. Schaadt reported Trustee Jenks asked if he would be interested in serving on the Granville Township Zoning Commission. Mr. Schaadt reported he is aware there are zoning issues and believes his experience will help address the issues.

Chairman Blanchard welcomed Zoning Inspector and Compliance Officer Warren May.

II. Chairman Blanchard reported the first purpose of the meeting is to review a proposed re-plat application for Lot #2 in the Spring View Subdivision. Chairman Blanchard reported Mr. Wills and his wife created a PUD eleven years ago. Chairman Blanchard reported the way the PUD was set up with the Licking County Planning Commission made sense at the time, but no longer makes sense. There are trees at the rear of the property where the house is to be located. Mr. Wills has proposed a swap of the area for the house with the area for the Green Space. Chairman Blanchard reported there will still be the same amount of Green Space, it will simply be in the rear of the property similar to the surrounding lots.

Chairman Blanchard reported he spoke with Brad Mercer, Licking County Planning Department, the Licking County Health Department, and the Granville Township Trustees concerning the issue and they agree the change makes sense and did not have any objections.

Chairman Blanchard advised when a PUD is modified, the guidelines for the PUD development process must be followed instead of the timeline for a zoning amendment change. The timeline requires joint property owners be notified by letter ten days in advance of the public hearing. Chairman Blanchard reported Mr. Wills talked to the adjoining property owners and they told Mr. Wills they do not object, but they were not officially notified by letter. Chairman Blanchard

advised the process must therefore be restarted. Chairman Blanchard reported he will e-mail FO Miller the adjoining property owners' names and addresses. FO Miller reported he will have Betsey Hampton send the letters.

Chairman Blanchard presented Mr. Wills' application and it was discussed by the commissioners. The commissioners discussed the location of the property and reviewed it on the Granville Township map. The location previously approved for the house is wooded. Mr. Wills would like to relocate the Green Space area to the wooded area. An equal amount of acreage will be traded. The Green Space previously approved was in the middle of the lot.

Chairman Blanchard reported he received letters from Chris Hill with the Licking County Health Department stating the Green Space land swap will not violate any current Health Department regulations concerning sewer and septic systems.

The commissioners discussed whether the modification must follow current PUD guidelines. There was discussion concerning the acreage of the property. Commissioner Paumier reported current PUDs must be 20 acres. It was discussed the entire PUD would still conform as it is 20 acres. Commissioner Paumier reported current PUD guidelines require fifty percent of the net acreage of a PUD be Green Space. Chairman Blanchard advised the Licking County Planning Commission did not see any problems with swapping the Green Space area and changing the location of the house. It was discussed the adjoining property owners have wooded Green Space in the back of their properties. Mr. Wills is trying to preserve the wooded area at the rear of the property.

Chairman Blanchard discussed the issue may not be voted tonight. The Licking County Planning Commission is reviewing the issue tonight but cannot officially act until the Granville Township Zoning Commission approves the change. They will act contingent upon the Granville Township Zoning Commission's approval. The Granville Township Trustees will review the issue December 19, 2013.

It was discussed the new proposed location for the house meets all setback requirements, etc. Chairman Blanchard reported the Licking County Prosecuting Attorney's office advised the Zoning Commission must schedule a Public Hearing concerning the issue and provide public notice in the newspaper and notice by first class mail to the adjoining property owners within 500 feet of the subdivision. The prosecutor's office views the proposed change as an amendment to the original PUD. The Commissioners discussed Granville Township Zoning Resolution articles 912.7, 912.8, and 912.7.

It was discussed no downsides to the proposed change have been identified by the Licking County Planning Commission or the Licking County Health Department.

After further discussion, the Commissioners determined as the net Green Space is not effected, they will look favorably on Mr. Wills request unless new information is presented at the Public Hearing. FO Miller reported another Public Hearing will be scheduled and advertised, and the adjoining property owners within 500 feet of the subdivision will be notified.

III. A second purpose of the meeting was to discuss potential issues with the current Granville Township Zoning Resolution as outlined by Granville Township Trustee Paul Jenks in a December 9, 2013, letter to Chairman Blanchard. The letter is attached. FO Miller provided the Commissioners with current copies of the Township Zoning Resolution, effective date November 9, 2012. Chairman Blanchard reported the Zoning Commission proposed a zoning amendment change several months ago which the Zoning Commission thought was positive change. Language concerning one primary residence per five acres was introduced into the zoning resolution. Chairman Blanchard reported it has come to Zoning Inspector and Compliance Officer May's attention the new zoning amendment brought attention to previously existing problems and issues for many existing property owners. Chairman Blanchard discussed the Zoning Commission's intention was to discourage investors from placing two residences on one parcel, etc.

Zoning Inspector and Compliance Officer May discussed comments he has received from the public and challenges with applications, permits, etc. for existing property owners he has had due to the current Granville Township Zoning Resolution. Zoning Inspector and Compliance Officer May provided the history of the changes in zoning beginning in 1987.

Zoning Inspector and Compliance Officer May and the Commissioners reviewed and discussed Sections 403, 404, 405, and 406 of Article 4 of the Granville Township Zoning Resolution. Zoning Inspector and Compliance Officer May reported Section 403 states, Not Used, but in other Township's Zoning Resolutions discusses grandfathering of non-platted lots. As Granville Township does not use Section 403, property owners with un-platted, non-conforming property would be required to go to the Zoning Board of Appeals (ZBA) when they want to add an addition to their house, add a patio, etc. Zoning Inspector and Compliance Officer May discussed property owners with un-platted non-conforming lots were being required to pay for an appeal to the ZBA for things property owners in subdivisions did not. The current fee to file an appeal with the ZBA is \$750. Chairman Blanchard commented \$750 may be a hardship for some homeowners who are trying to improve their property. Commissioner Paumier discussed this may also hurt the value of the property.

Zoning Inspector and Compliance Officer May reported previous Township Trustees and Zoning Commissioners advised him Section 403 would be returned to the Zoning Resolution, but this was not done.

The Commissioners reviewed the language used in Sections 403, 404, 405, and 406 of Article 4 of the Granville Township Zoning Resolution. Non-conforming lots, platted lots, un-platted lots, lots of record, and current setback regulations were discussed. Possible zoning scenarios such as abandoned homes, rebuilding after a fire, adding a patio, etc. concerning the different types of lots were reviewed. Zoning Inspector and Compliance Officer May discussed he was advised by the Licking County Prosecutor's office Granville Township is the only township in Licking County which does not have Section 403, and if a property owner appeals a ZBA decision the Township will lose in court. Chairman Blanchard discussed the Zoning Commission may not want to allow everything to be grandfathered. It was discussed the prosecuting attorney's office

will assist the Zoning Commission by reviewing any changes proposed, but the Zoning Commission must determine what, if any, changes to propose and the wording.

Zoning Inspector and Compliance Officer May discussed 95% of the problems are due to additions to property on un-platted lots. The Commissioners reviewed and discussed a list compiled by Licking County Auditor Mike Smith's office which identified residential, un-platted vacant properties in Granville Township. It was requested a spreadsheet with only the lots being discussed be obtained to review. This will be requested from Auditor Smith's office.

It was suggested the Zoning Commission separate the un-platted, non-conforming properties with existing homes from the vacant, un-platted, non-conforming properties. The Zoning Commission will then try to determine solutions to possible zoning issues for residents with existing homes. The Zoning Commission agreed to attempt to separate the improved lots from the unimproved lots.

Commissioner Paumier suggested the Zoning Commission review the language other townships have for Section 403. Trustee-elect Schott reported she was advised other Townships have Section 403, but the language is not uniform. The Zoning Commissioners will obtain copies of Section 403 from other townships to review.

IV. Zoning Inspector and Compliance Officer May reported the prosecuting attorney has advised him if a subdivision requires lots of five acres, the home owners' association rules the subdivision as it is considered agricultural. The Zoning Inspector and Compliance Officer does not have any authority after a house is built. If the subdivision allows raising pigs or chickens, there is no recourse through zoning. Zoning Inspector and Compliance Officer May requested the Zoning Commission review this issue. The Commissioners discussed this issue.

V. Chairman Blanchard asked Zoning Inspector and Compliance Officer May if he would be available to come to another Zoning Commission meeting and Zoning Inspector and Compliance Officer May advised he will be able to attend. Zoning Inspector and Compliance Officer May requested what is eventually decided not be too difficult to administer.

VI. Mr. Schaadt questioned whether there was a reason the Right of Way (ROW) was excluded from the five acre minimum net area. Chairman Blanchard discussed the possible ramifications if a roadway is modified. Zoning Inspector and Compliance Officer May discussed the resolution states the front set back is measured from the road. This issue will be further reviewed.

Adjournment: 8:30 p.m.

Next meeting: January 6, 2014.