

**Granville Township Zoning Commission**  
January 20, 2014

**Public Meeting**  
Minutes

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

Absent: Commissioner Tom McCullough

Guests: Granville Township Trustee Melanie Schott  
Warren May, Granville Township Zoning Inspector and Compliance Officer

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

I. Announcements of Chairman:

Chairman Blanchard reported Commissioner Tom McCullough is unable to attend the meeting due to illness. Chairman Blanchard reported his goal for the evening's meeting was to continue discussing and working toward a modification of the existing language in the Zoning Resolution to include the possible addition of grandfathering language.

There were no other announcements.

II. Public Comment:

There was no public comment.

III. January 6, 2014, Zoning Commission Meeting Minutes:

Chairman Blanchard provided the Commissioners with a copy of the January 6, 2014, meeting minutes. The Commissioners reviewed the minutes and reported the following corrections: Paragraph 3 under Old Business, it stated, "Commissioner Blanchard" rather than Chairman Blanchard. Recording Secretary Hampton advised she will correct this error.

Chairman Blanchard made a motion to approve the January 6, 2014, meeting minutes as submitted. Commissioner Paumier seconded the motion and it was approved by a unanimous vote.

III. Old Business:

Discussion of Alternative Solutions to the Recent Zoning Amendment:

Chairman Blanchard reported they are continuing a discussion which began at the previous Zoning Commission meeting. Chairman Blanchard reported at the previous Zoning Commission meeting the commissioners had concerns over how broad to make a grandfathering clause. Chairman Blanchard reported the Zoning Commission did not want to grandfather everything and discussed some possible options. Chairman Blanchard provided copies of possible amendments written by Commissioners Schaadt, Brown, and Paumier. Chairman Blanchard commented the suggestions were positive and everyone's opinion is very important. Each Commissioner's suggestions were reviewed and discussed.

#### Road Right of Way (ROW):

Commissioner Schaadt detailed and explained his suggestions for changes to section 406. Commissioner Schaadt commented it would be helpful to receive feedback from the Licking County Prosecuting Attorney concerning a change to include the road right of way (ROW) when determining if a property is five acres. Chairman Blanchard questioned how inclusion of the ROW would affect the number of non-conforming properties. Commissioner Schaadt reported the Licking County Auditor's list went by total acreage and therefore did not include properties where ROW is excluded. Commissioner Schaadt reported the Zoning Code refers to a net of five acres excluding ROW. Commissioner Schaadt reported most lots of record have 25-30 feet of ROW. Zoning Inspector and Compliance Officer May reported the ROW varies and could be as much as 60 feet. It was discussed many five acre lots of record would then have to go to the Zoning Board of Appeals (ZBA) for variances. Commissioner Schaadt commented he does not know why the Zoning Code was written to exclude the ROW.

Chairman Blanchard commented the Auditor's website, appraisals, deeds, etc. reflect the acreage with the inclusion of ROW. The homeowners maintain the ROW, pay taxes on it, etc. Nothing in real estate goes by net acreage and excludes the ROW. It was discussed platted lots in a subdivision are often measured from the edge of the road and lots of record in the Township are measured from the center line.

The commissioners discussed the language may be an oversight, but they agreed the prosecuting attorney will be consulted to see if there was a reason for the language or whether it may be changed. Commissioner Schaadt's proposed change will be presented to the prosecutor.

#### Definitions:

Zoning Inspector and Compliance Officer May suggested as the Commissioners make changes to the Zoning Resolution they also review the definitions listed in Article 2, Section 200. Zoning Inspector and Compliance Officer May advised if a change to lot size, etc. is made within the body of the Resolution, a change will also need to be made to the definition. There was further discussion concerning the current definitions for lot size, setbacks, lots of record, easements, etc.

#### Section 403:

Commissioner Schaadt discussed his suggestions to Section 403. It was discussed whether there could be a grandfathering clause for all lots under 5 acres, or for improved lots only. It was discussed other townships refer to non-conforming lots of record in combination which would clean up many of the problem lots as they are contiguous and would be treated as one. Various possible scenarios were discussed. There was discussion the language would not need to require frontage for the lots as many of the lots do not have frontage. Commissioner Schaadt discussed many owners bought lots adjacent to their property as buffers and likely treat the two lots as one lot. It was discussed many of the property owners who have additional small non-conforming lots only pay one tax bill for the two lots. The zoning language would reference two or more contiguous, non-conforming lots with a single owner. The additional lots could have been purchased later. Commissioner Schaadt referenced court cases concerning this issue. If a property owner owned lots 7 and 8, and then purchased lot 9 from a neighbor, they are all considered one lot. Commissioner

Schaadt discussed tax bills for owners who have adjacent non-conforming lots generally bill as if the owners have excess land and not taxed as if they have second building lots.

Zoning Inspector and Compliance Officer May reported he purchased additional 2.8 acres of land behind his house, put a drain field through it, and treats both properties as one lot. Zoning Inspector and Compliance Officer May reported he receives one tax bill for both pieces of property. The additional acreage is referenced, but only one tax bill is sent by the auditor. Trustee Schott reported the auditor advised he combines the lots on one bill without any action being taken by the property owner. Zoning Inspector and Compliance Officer May reported he did not take any action to combine the bills, it was done by the county auditor. There was further discussion concerning this issue and other possible scenarios.

Commissioner Paumier questioned what would happen concerning a lot which was split and recorded in the past and met previous regulations. It was reported under the current Zoning Regulations such properties would need to appeal to the Zoning Board of Appeals (ZBA) for a variance. The ZBA would then need to determine if the lot is buildable, can meet current setback requirements, fits with the character of the neighborhood, etc. The previous lot sizes and setback regulations were discussed. Commissioner Schaadt reported he contacted the Health Department and they do not have a minimum lot size requirement.

Commissioner Paumier suggested working on improved lots first, before addressing unimproved lots. It was discussed it would be easier to address the improved lots and most people would agree to allow rebuilding if a house burns down, etc.

Trustee Schott reported the Township received a permit request for a home which is not structurally sound. Trustee Schott reported due to language in the Ohio Revised Code (ORC), a permit was issued to allow the owner to rebuild on the same footprint. This was done even though there is nothing within the Granville Township Zoning Regulations to allow issuance of the permit to rebuild. Trustee Schott reported Travis Binckley toured the home and issued the permit. The homeowner first requested a permit to do a modification to the home and raise the roof to provide living space for the second story. When the modification project began, the interior wall caved in, it was discovered the house was not attached to the basement, and the homeowner needed to ask for another permit. It was discussed under the current zoning regulations, the homeowner could also have gone to the ZBA. Trustee Schott reported the ORC states there cannot be an unnecessary burden placed on the homeowner and the Township cannot deny the homeowner the right to rebuild on the footprint of the home. Trustee Schott reported the Township was advised by the Licking County Prosecutor it had to issue the permit as long as they do not encroach upon any other setbacks, change the footprint, etc.

Commissioner Paumier shared and discussed his suggestions which included allowing the Zoning Inspector and Compliance Officer to issue a permit to rebuild after an act of God. There was discussion whether there should be a time frame provided for rebuilding after an act of God. It was reported rebuilding could take more than twelve months after a calamity due to dealing with insurance companies, finance companies, etc. It was discussed language could be inserted to state

the building permit must be obtained within twelve months of the calamity. Zoning Inspector and Compliance Officer May reported Zoning Permits require completion of the project within six months after issuance. This is to prevent someone from building half a garage and then not completing it until six years later, etc. Trustee Schott questioned if the six month period was included in the Zoning Regulations. Zoning Inspector and Compliance Officer May reported the six month period is included on the zoning permit. The current definition of unnecessary hardship was discussed. Chairman Blanchard discussed the definition states the hardship cannot be self-created.

Chairman Blanchard discussed the Zoning Commission has spent three meetings discussing ways to address the issue of non-conforming lots and cannot incorporate language to address every possible scenario. Chairman Blanchard commented the ZBA has to be a critical component to the Zoning Amendment. There was further discussion concerning this issue. There was discussion there may be changes to ZBA fees to make them more flexible. It was discussed the fees for residential properties may be different than the fees for commercial properties. It was discussed if something is being done for profit it would be reasonable to expect to pay a higher fee. The fee to appeal to the ZBA was discussed. At the previous Zoning Commission meeting the fee was reported to be \$750. Trustee Schott reported the correct fee is \$550. It was reported the members of the ZBA are paid \$35 when hearing an appeal. Previously the fee also covered the cost of mailing certified letters to adjacent residents, however the letters may now be sent by regular mail. There was discussion the ZBA is a useful tool for when decisions need to be made concerning properties.

Commissioner Brown presented and discussed his suggestions. There was discussion concerning a grandfathering clause which would refer to the setbacks and lot sizes required at the time of the original build or lot split. The home would need to meet the original setback requirements and need to be approved by the ZBA. If the lots meet current setback requirements they would not need ZBA approval. ZBA policies and procedures were discussed. Chairman Blanchard discussed he would like to blend the suggestions into a compromise. Chairman Blanchard commented he will prepare some questions and suggestions for the other Commissioners to review which he will then send to APA Lecklider for review prior to the next Commission meeting.

#### IV. New Business:

Trustee Schott presented Zoning forms which will be accessible through the Granville Township website.

#### V. Adjournment:

Chairman Blanchard made a motion to adjourn the meeting. Commissioner Paumier seconded the motion and the meeting was adjourned at 8:45 p.m.

Next meetings: February 3, 2014, and February 17, 2014.

