

Granville Township Zoning Commission

February 17, 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: James Havens, 3587 Loudon St. N.W., Granville, Ohio

James Hartman, 3564 Lancaster Rd., Granville, Ohio

Mary Paumier, 11 Brecon Circle, Granville, Ohio

I. Chairman Blanchard opened the meeting at 7:00 p.m., followed by roll call, and the affirming of the Public.

II. Announcements of Chairman:

Chairman Blanchard welcomed the guests to the meeting. Chairman Blanchard announced due to the President's Day holiday, he did not receive a formal opinion from the Licking County Planning Commission and Licking County Prosecutor regarding the paragraphs submitted by the Zoning Commissioners at the previous meeting. Chairman Blanchard discussed the items submitted contain enough information for good feedback to be provided by the Planner and the Prosecutor's office. Chairman Blanchard discussed when he received the opinions, he will forward them to the other Commissioners and by the next meeting there should be some sort of formal document to review and discuss. Chairman Blanchard questioned if there was any new information, and the Commissioners reported there was no new information to present. There were no other announcements.

II. January 20, 2014, Zoning Commission Meeting Minutes:

Chairman Blanchard provided the Commissioners with a copy of the January 20, 2014, meeting minutes. The Commissioners reviewed the minutes and made one correction. Chairman Blanchard made a motion to approve the January 20, 2014, meeting minutes as submitted. Commissioner Paumier seconded the motion and it was approved by a unanimous vote.

III. Old Business:

There was no Old Business to discuss as the Zoning Commission had not yet received communication from the Licking County Planning Commission or from the Licking County Prosecuting Attorney's office. Chairman Blanchard reported he sent copies of the Commissioner's suggestions for review and for advice as to which direction to pursue. Chairman Blanchard discussed he wrote the Planning Commission and Prosecutor's office the Commissioners had discussed the paragraphs and agreed there are positive aspects to each of the paragraphs. Chairman Blanchard commented he believes the Licking County Planning Commission and the Licking County Prosecutor's office will respond with legal information concerning the paragraphs and will hopefully advise if the Granville Township Zoning Commission is heading in the right direction.

IV. New Business:

There was no new business to discuss.

V. Public Comment:

James Havens, 3587 Loudon St., NW, Granville, addressed the Zoning Commission. Mr. Havens reported he previously served two years on the Granville Township Zoning Board of Appeals (ZBA), served on the Granville Township Zoning Commission, and was a Granville Township Trustee for over eleven years. Mr. Havens reported he was involved with the Granville Township Comprehensive Plans which were in place at the time he served.

Mr. Havens discussed he has been listening to the current Granville Township zoning debate and thought some comments concerning zoning history might be helpful to the Commissioners. Mr. Havens discussed zoning is very complicated and compared it to peeling layers from an onion. Mr. Havens discussed it is difficult to know how parts of zoning relate.

Mr. Havens discussed he read in the newspaper there is a debate whether the Granville Township Zoning Ordinance ought to grandfather non-conforming properties which are less than five acres and are plotted as opposed to platted. Mr. Havens reported he works with commercial real estate, has a commercial title insurance company, and was a title searcher while he attended college.

Mr. Havens discussed the Granville Township Zoning Commission must seek legal counsel from the Licking County Prosecutor's Office and while they are great criminal lawyers, questioned if they understand the complexities of Granville Township.

Mr. Havens suggested the Township Trustees could appropriate resources for the Zoning Commission to hire someone who specializes in zoning issues. Mr. Havens reported when he was a Trustee, the Trustees would allocate funds to hire someone to assist with difficult issues such when there were negotiations concerning water and sewer districts with other townships.

Mr. Havens discussed the differences between plotted and platted lots. Mr. Havens discussed subdivision regulations in Licking County probably did not exist prior to 2000. Most lots being discussed were likely created prior to 2000. Mr. Havens reported if he had been contacted by Zoning Inspector May when he was a Township Trustee, the issue would have been dealt with, and Mr. Havens would likely have told Zoning Inspector May to ignore the difference. Mr. Havens discussed if the Licking County Prosecutor's office looked at the language which uses plat instead of plot, they would see it is an unconstitutional zoning ordinance which cannot be enforced as it takes away rights from people, etc.

Chairman Blanchard reported when various scenarios have been discussed, APA Lecklider has advised the Township it cannot enforce a loss for the property owner, especially on something the Zoning Inspector granted.

Mr. Havens commented he believes that contrary to what was published in the paper, Zoning Inspector May completely understood the situation. Chairman Blanchard discussed the Zoning

Commission has tended to agree with how Zoning Inspector May measured some of the scenarios, however there were not enough people involved or questions asked. There was further discussion concerning the issue. Mr. Havens commented zoning ordinances, even well-crafted ones, always have ambiguities.

Chairman Blanchard discussed the Zoning Commission did not anticipate the adding of an adjective, one primary residence, would lead to the current issue and discussions. The number of lots which might be affected was discussed.

Mr. Havens commented he wanted to voice his support for Zoning Inspector May, and stated he is a community treasure. Mr. Havens worked with Zoning Inspector May who is very capable and bright. Mr. Havens discussed he was annoyed by the newspaper's portrayal of Zoning Inspector May. Mr. Havens commented the Township was lucky to have a man with Zoning Inspector May's background as the Zoning Inspector. Chairman Blanchard commented he believes Zoning Inspector May will be working in conjunction with Travis Binckley and has been helping the Zoning Commission.

Mr. Havens thanked the Zoning Commission for hearing his comments and again suggested the Zoning Commission hire outside counsel who are zoning experts for help with this complex issue.

Chairman Blanchard discussed Trustee Jenks has requested a joint meeting with the Trustees, ZBA, Zoning Commission, Zoning Inspector, etc. to review the issue and the challenges before anything is submitted. Chairman Blanchard discussed the Zoning Commission has advertised their meetings and invited the public. Mr. Havens discussed the public will not come until they have a problem as they do not understand the implications of what is being discussed.

Chairman Blanchard discussed the Zoning Commission is trying to be proactive and deal with concerns before they are handled through legal channels. There was discussion concerning Section 403 of the Zoning Ordinance. Mr. Havens reported there was no past discussion concerning a logical reason for the elimination of Section 403.

Commissioner Schaadt asked Mr. Havens what his opinion was concerning the minimum lot size of five acres excluding Right of Ways (ROW). Mr. Schaadt read the section of the Zoning Ordinance covering this issue to Mr. Havens and the issue was discussed. Mr. Havens commented a statement stating exclusive of ROW but not of easement is contradictory as a ROW is an easement. Mr. Schaadt discussed if ROW is excluded there are many properties which would become non-conforming. Mr. Havens questioned what the intent of the wording would be and stated it does not make sense and owners are stuck with the land descriptions they have and should not be penalized. It was discussed the owners pay taxes on the ROW. Commissioner Schaadt questioned if Mr. Havens could think of any implications from removing this language from the Zoning Ordinance. Commissioner Schaadt questioned if this issue is something Mr. Havens thought the Zoning Commission should address and Mr. Havens affirmed he did. There was discussion concerning various scenarios which are affected by the current language.

Mr. Havens thanked the Commissioners for allowing him to speak and advised he will help if the Commissioners have any questions concerning zoning history.

Lot on Burg Street:

Mr. Hartman advised he was in attendance to discuss his possible purchase of a lot on Burg St. Chairman Blanchard reported the Zoning Commission is familiar with the lot in question and summarized his opinion of what the Zoning Commission has previously discussed concerning the lot. Chairman Blanchard reported the lot in question is one which under any criteria does not seem to be one which would be approved for building a home. Chairman Blanchard discussed the Zoning Commission however does not oppose the house suggested being built on the lot due to the contiguous property owners, a scenario of like homes, like uses, equivalent setbacks, etc. Chairman Blanchard further discussed the lot and the usage. Chairman Blanchard reported the Commission went back to the 1960's and reviewed setbacks, and requirements for the lot. Chairman Blanchard commented the ability to create a black and gray water system for the lot was discussed and questioned if Mr. Hartman had discussed this issue with the Licking County Health Department.

Mr. Hartman reported the current property owner contacted the Licking County Health Department and they approved his plans for a four bedroom home septic system. Mr. Hartman reported he went to the Health Department and asked if the approval was still good and they advised him it was. The dimensions of the lot, leach field requirements, when the lot was split from the original parcel, the legal description of the lot, and Mr. Hartman's proposed house plan and setbacks were discussed.

Chairman Blanchard discussed if the Zoning Commission creates language in the Zoning Regulations which grandfathers the lot at the time it was separated from the primary lot, it would be appropriate to build on the lot according to the setback requirements in 1965 and would meet setback criteria from 1977.

There was further discussion concerning the lot and how a possible grandfathering clause would address setback requirements and lot size. Mr. Hartman reported the home he is proposing would be a three bedroom home.

It was discussed the Zoning Commission has a lot of work to do and is waiting for a legal opinion from the prosecutor and input from the Licking County Planning Commission. Commissioner Blanchard discussed he is hesitant to adopt something which accepts all scenarios and commented he believes the ZBA is an important part of the process. Commissioner Blanchard discussed the ZBA could hear an appeal for a variance for the proposed home at this time.

There was discussion concerning a timeline for when the Commission could have something ready for the Township Trustees to review.

Trustee Paumier commented the Commissioners also have to look at the other 150 pages of the Zoning Ordinance and determine any possible implications of a change. Chairman Blanchard discussed narrow language will likely be better.

Mrs. Paumier requested the Commission help Mr. Hartman and herself understand the process. Mrs. Paumier advised there is an offer for the lot, and they are in contract, but Mr. Hartman is not going to buy the lot if he cannot build on it. The purchase is contingent upon the lot being buildable, and proposed setbacks being approved. Mrs. Paumier questioned when a decision could be expected. Mr. Blanchard advised a possible change would at least take three to four months and the procedure to approve a possible change was discussed. Commissioner Schaadt discussed if a sooner decision is required, it would need to be done through the ZBA. Chairman Blanchard commented the lot in question does not meet any current criteria. Chairman Blanchard reported he could write a letter to the ZBA stating a building permit may not be issued for this lot as it does not meet any criteria used for an appropriate, buildable lot. It was discussed the Zoning Commission does not issue permits, but based on the current Zoning Ordinance, the Zoning Inspector would not be able to issue a permit and would generate a letter declining the permit as it does not meet current criteria.

Chairman Blanchard stressed he is not providing advice but is simply outlining options. It was discussed there may be a possible waiving of a portion of the fee for a possible appeal. It was discussed whether a potential owner could file an appeal with ZBA, or whether only the current owner could file an appeal. Chairman Blanchard discussed if the background was explained to the ZBA, and if the buyer and seller both go to the ZBA, they may be willing to hear an appeal.

Zoning Ordinance Review:

Commissioner Paumier suggested each Commissioner take a section of the Zoning Ordinance to review and determine how it will be affected by a changes to the Ordinance. Chairman Blanchard will review pages 1-35, Commissioner Paumier will review pages 36-70, Commissioner Brown will review pages 70-105, and Commissioner Schaadt will review pages 105- the end.

VI. Adjournment:

Chairman Blanchard made a motion to adjourn the meeting. Commissioner Paumier seconded the motion and the meeting was adjourned at 8:05 p.m.

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