

Granville Township Zoning Commission

April 21, 2014

Public Meeting

Minutes

Present: Commissioners Steve Brown, Vince Paumier, Rob Schaadt, Tom McCullough, and Chairman Chip Blanchard, Recording Secretary Betsey Hampton, Melanie Schott, Granville Township Trustee

Guests: There were no guests.

I. Chairman Blanchard opened the meeting at 7:03 p.m., followed by roll call.

II. Announcements of Chairman:

Chairman Blanchard announced the purpose of the meeting is to discuss the text amendment proposal for Section 403 of the Granville Township Zoning Resolution. There were no other announcements.

III. March 31, 2014, Zoning Commission Meeting Minutes:

Chairman Blanchard provided the Commissioners with a copy of the February 17, 2014, meeting minutes. The Commissioners reviewed the minutes and made a correction. Chairman Blanchard made a motion to approve the March 31, 2014, meeting minutes as corrected. Commissioner Brown seconded the motion and it was approved by an affirmative vote with Commissioner McCullough abstaining as he was not present at the March 31st meeting.

IV. Public Comment:

There was no public comment.

V. Old Business:

Chairman Blanchard reported he is not entirely positive the Township Resolution number is correct and Assistant Prosecuting Attorney (APA) Lecklider was unavailable to confirm if the number is assigned by the Licking County Planning Commission. Chairman Blanchard reported he was unable to find reference to resolution number to see if it has to do with changes made in the past, or date of the change, etc. The text amendment proposal is included at the end of the minutes.

Chairman Blanchard discussed the proposed changes have gone through three reviews and revisions. Chairman Blanchard reported he will fill in the day, month, and resolution number if the Commissioners approve the proposed text amendment.

Commissioner Schaadt questioned if the adoption date was the date the Township Zoning Commission votes on the amendment and forwards it. Chairman Blanchard advised the adoption date is the date the Township Zoning Commission votes to approve the amendment.

Chairman Blanchard questioned if Commissioner Paumier still planned to recuse himself from voting on the proposed text amendment. Commissioner Paumier advised he will not recuse himself

from the vote as there is no longer a contract on the property which was discussed in previous meetings.

Commissioner Schaadt questioned the removal of the wording, “The Zoning Inspector may issue a permit...” from Section 403. Commissioner Schaadt reported this wording is in Section 404. Commissioner Schaadt commented it seems inconsistent not to include this language from Section 404 in Section 403. There was further discussion concerning this issue. Commissioner Schaadt commented the language may not need to be included as the Zoning Inspector is the only one who can issue a permit and the language may therefore be redundant. Chairman Blanchard read an e-mail received from APA Lecklider which discusses the intention of the resolution to allow development of property which meet the definition of lots of record, etc. This e-mail was forwarded to the Commissioners.

Chairman Blanchard commented he thought APA Lecklider has been very consistent and specific regarding language and assumed the language used has to do with homeowner’s rights, Granville Township, legality, etc. Chairman Blanchard discussed he did not think exclusion of the Zoning Inspector reference changes anything in the four paragraphs of the text amendment proposal. Chairman Blanchard questioned if the wording is changed in one section whether it should be changed in the other section.

Commissioner Schaadt discussed the specifics of the text change. Chairman Blanchard commented the sentence could be left in and include ‘in addition to.’ Commissioner Schaadt questioned if he was the only one concerned with the change being discussed. Chairman Blanchard discussed the proposed new amendment definition for lot of record. Chairman Blanchard discussed what APA Lecklider may be trying to do is define a lot of record, and then require a property to meet the criteria for a lot of record and also meet the four criteria of grandfathering language. Chairman Blanchard commented Commissioner Schaadt’s question is good.

Commissioner Schaadt commented his concern is partly with the inconsistency as it seems APA Lecklider began with section 404, took out language concerning subdivisions, created 403, and then took out ‘the zoning inspector may issue,...’ Commissioner Schaadt commented the way it was previously written specifically stated all four of the following criteria will be satisfied. Commissioner Schaadt questioned whether it was assumed because there are four there all four have to be satisfied.

Chairman Blanchard discussed the portion which stated in part, “if the proposed improvements for the lot of record do not meet the criteria above, the property owner/lessee shall seek the appropriate variance.” Commissioner Schaadt discussed this may be where it is all pulled together. Commissioner Schaadt commented this line is not included in section 404.

Commissioner Brown questioned whether the proposed text changes are only dealing with the approximately 20 unimproved lots in the Township. Commissioner Schaadt commented there are approximately 70 lots but by the language proposed, the zoning inspector will be able to say ‘this sliver of property is not typical for the neighborhood’ and will not issue a permit. Commissioner Schaadt discussed the language proposed should limit the lots to 20+.

Commissioner Paumier commented nothing being discussed today deals with existing improved properties. Chairman Blanchard discussed existing non-compliant structures would be dealt with in Article 3, Section 3, which references existing, non-conforming, improved lots.

Commissioner Brown discussed all the Zoning Commission is currently dealing with are the existing unimproved lots of record. Chairman Blanchard commented the Zoning Commission is also modifying the definition of a lot of record. There was further discussion concerning the proposed definition.

Commissioner Schaadt discussed the proposed definition for lot of record references “a lot or parcel described by metes, and bounds, the description of which has been recorded.” Commissioner Schaadt commented this definition almost applies to both Sections 403 and 404 as most parcels are described by metes and bounds, and are recorded. There was further discussion concerning this issue.

Commissioner Schaadt commented what he likes about the proposed text amendment is it treats all property the same which he believes is what Zoning Inspector May was doing and what was the intent of the previous Township Trustees.

Commissioner Paumier discussed Section 404 pulls in existing properties with a residence. There was further discussion concerning Section 404 and Section 406. Chairman Blanchard commented Section 406 deals with non-conforming structures. There was discussion concerning whether the proposed text amendment for Section 403 is only for unimproved lots, or whether it could also be for lots with structures.

Commissioner Paumier questioned if the proposed Section 403 is approved, what would be the need for Section 404 and potentially Section 405. Chairman Blanchard reported 403 is for a lot of record, not in a subdivision, and Section 404 is for a lot in a subdivision.

Commissioner Paumier questioned to what Section 405 is applied. Commissioner Schaadt commented Section 405 is for when there is a lot in a residential district which under prior zoning was used as a commercial building and was grandfathered. Section 405 allows the building was grandfathered, but cannot be enlarged or increased. Commissioner Schaadt discussed if the current use is not in accordance with the zoning map it is non-conforming. Chairman Blanchard discussed the use may be continued so long as it remains lawful and meets required criteria. Chairman Blanchard commented this section addresses uses of land. Chairman Blanchard discussed if a property is in the Village, it may be operating with a conditional variance, etc.

Commissioner Paumier commented Sections 403,404, and 405 deal with unimproved lots. Chairman Blanchard discussed Sections 406 and 407 deal with improved lots which are non-conforming. Chairman Blanchard questioned if the commissioners were okay with the proposed text amendment to Section 403 and were prepared to vote. The commissioners advised they were okay with Section 403. Commissioner Schaadt requested further discussion of the proposed definition change.

Commissioner Schaadt discussed the definition of lot of record is in the current Zoning Resolution. The only difference is the addition of the word 'platted.' Commissioner Schaadt discussed the proposed definition allows a lot of record to be platted in a subdivision. Chairman Blanchard discussed a lot or record may also be a parcel described by metes, and bounds, the description of which has been recorded. There was further discussion concerning the proposed definition.

Chairman Blanchard discussed the commissioners will have an official vote to approve the two text amendment proposals which are attached at the end of the minutes. The first text amendment proposal references Section 403 of the Granville Township Zoning Resolution and grandfathers an existing un-platted lots of record and the second text amendment proposal modifies the lot of record definition. Commissioner Paumier suggested there be two separate motions and votes for clarification.

Chairman Blanchard made a motion to approve the submitted text amendment proposal for Section 403 of the Granville Township Zoning Resolution which grandfathers existing, un-platted lots of record. Commissioner McCullough seconded the motion and it was approved by a unanimous vote with Commissioner Schaadt-Yes, Commissioner McCullough-Yes, Commissioner Paumier-Yes, Commissioner Brown-Yes, and Chairman Blanchard-Yes.

Chairman Blanchard noted Section 403, grandfathering of existing, un-platted lots of record has passed unanimously.

Chairman Blanchard made a motion to approve the proposed description of lot of record as submitted and attached. Commissioner McCullough seconded the motion and it was approved by a unanimous vote with Commissioner Schaadt-Yes, Commissioner McCullough-Yes, Commissioner Paumier-Yes, Commissioner Brown-Yes, and Chairman Blanchard-Yes.

Chairman Blanchard noted the proposed description submitted for a lot of record was approved by a unanimous vote.

Chairman Blanchard referenced the timeline for the Zoning Resolution changes. Chairman Blanchard discussed the Zoning Resolution procedure checklist. Chairman Blanchard reported he will forward the information to the Licking County Planning Commission on April 22, 2014. Chairman Blanchard reported the amendments are on the Licking County Planning Commission's agenda for April 28, 2014. The Licking County Planning Commission will either approve, deny, or modify the proposed text amendments.

Commissioner Paumier questioned if anyone needs to attend the Licking County Planning Commission's meeting. Chairman Blanchard advised he will likely be at the meeting. Chairman Blanchard discussed as it is not the first time the Licking County Planning Commission has seen the proposals, they will likely not have any questions.

Chairman Blanchard discussed he anticipates the Licking County Planning Commission will approve the proposed amendments as submitted. If they do approve, legal notice will then go into

the Granville Sentinel on May 1, 2014. A public hearing will be scheduled for May 19, 2014, which is twenty-eight days from today's date and satisfies the requirement of being not less than twenty, but not more than forty days from approval. Five days after the public hearing the amendments will go to the Granville Township Trustees.

Commissioner Schaadt questioned whether the commissioners again have to vote on the proposed text amendments after the meeting on May 19, 2014. Chairman Blanchard affirmed the Zoning Commission will again vote on the amendments after the May 19, 2014, meeting and may do so immediately after the public meeting is closed. Chairman Blanchard advised the commissioners will listen to public comments at the public hearing and may then make modifications, etc. The meeting will then be closed, and the commissioners will vote and forward the recommendation to the Township Trustees. The Township Trustees will then accept, modify, or deny the proposed changes. It will then go back to the Licking County Planning Commission where there is a 30 day possible right of rescission period before the changes go into effect.

Trustee Schott reported she provided Chairman Blanchard's contact information to Roger Dunifon. Trustee Schott reported Mr. Dunifon had contacted her concerning the proposed changes. Trustee Schott reported she provided Mr. Dunifon with the date and time of the Zoning Commission meeting.

V. New Business:

There was no new business to discuss.

VI. Adjournment:

Chairman Blanchard made a motion to adjourn the meeting. Commissioner Brown seconded the motion and the meeting was adjourned at 7:50 p.m.

Chairman Blanchard advised the next meeting will be mandatory and will be the public hearing concerning the proposed amendments on May 19, 2014.

Enclosure (1)

Subject 1: Text amendment proposal

SECTION TITLE

SUBSECTION TITLE

Section 403 grand fathering of "existing un-platted Lots of Record."

It is the intention of this resolution to allow the development of property that meets the definition of "lot of record" as of the adoption date of this amendment (the ___ day of _____, 2014; Township Resolution Number _____).

1. Such proposed structure is in accordance with the general plan of the neighborhood, including all setbacks and minimum structure size.
2. Such property is in a zoning district in which such use or structure is permitted.
3. The proposed structure and improvements have received the approval of the County Health Department (or such other agency as may in the future be charged with the reviewing and approval of such) as to septic and water systems.
4. The applicant for the zoning permit shall have supplied to the zoning inspector copies of the tax map showing the proposed lot and adjacent lots, a site plan for the proposed structure, evidence of approval for the septic and water systems, and any other information which is deemed necessary and appropriate by the zoning inspector in order to allow him to make the determination that the conditions have been met.

If the proposed improvements to the lot of record do not meet the criteria above, the property owner/lessee shall seek the appropriate variance from the Board of Zoning Appeals, as outlined in sections 507-529, prior to the issuance of a zoning permit.

Subject 2: Text amendment proposal

Lot of Record: A lot, which is part of a "platted" subdivision recorded in the office of County Recorder, or a lot or parcel described by metes, and bounds, the description of which has been recorded.

The proposed language change is the addition of " platted".