

## **Granville Township Zoning Commission**

May 19, 2014

### **Public Meeting and Public Hearing**

#### 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: Roger Dunifon, 3464 Loudon St., Granville.

Chuck Peterson, Granville Sentinel.

I. Chairman Blanchard opened the meeting at 7:10 p.m., followed by roll call.

II. Swearing in of Public:

Roger Dunifon, 3464 Loudon St., Granville, Ohio, introduced himself and provided his address to the commissioners.

III. Announcements of Chairman:

Chairman Blanchard announced the purpose of the meeting is to conduct the public hearing for the text amendment proposal for Section 403 of the Granville Township Zoning Resolution.

Commissioner Schaadt reported he spoke to Zoning Inspector and Compliance Officer Binckley to determine if he had reviewed the proposed changes and thought they were changes with which he could work. Commissioner Schaadt discussed he felt item one was important and wanted to know if Zoning Inspector and Compliance Officer Binckley felt he could work with item one. Zoning Inspector and Compliance Officer Binckley had reviewed the proposed changes.

Chairman Blanchard commented the Licking County Planning Commission's (LCPC) injection of additional words makes the language more applicable.

IV. April 21, 2014, Zoning Commission Meeting Minutes:

Chairman Blanchard provided the Commissioners with a copy of the April 21, 2014, meeting minutes. The Commissioners reviewed the minutes. Chairman Blanchard made a motion to approve the April 21, 2014, meeting minutes as submitted. Commissioner McCullough seconded the motion and it was approved by an affirmative vote.

V. Old Business:

There was no other old business to discuss.

V. New Business:

There was no new business to discuss.

VI. Public Hearing Concerning Section 403 Text Amendment Proposal:  
Chairman Blanchard opened the Public hearing at 7:19 p.m. and read the following text amendment proposal:

**Subject 1: Text amendment proposal**

**SUBSECTION TITLE**

Section 403 grandfathering 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 **use and 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 **conforming use and, or conforming 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”.

Public Comment:

Mr. Dunifon addressed the Commissioners regarding the proposed text amendment changes to Section 403 of the Granville Township Zoning Resolution. Mr. Dunifon advised the Commissioners his comments would be similar to the ones he made at the LCPC meeting on April 28, 2014.

Mr. Dunifon commented item one seems vague and he was not sure what it means if the Township is trying to hold anyone to something. Mr. Dunifon discussed he remembers the 'use and structure' comment being made but did not recall the other wording discussion.

Mr. Dunifon discussed under item three it would seem the owner would first need to apply for a permit before they could figure out if they could receive approval from the county health department. Mr. Dunifon discussed the county health department does not give approval until they have a permit. Mr. Dunifon commented a county health department employee might come out and state it looks as though the plans would be approved, but not be able to give final approval until there is a permit with definite plans. Mr. Dunifon commented if a person is selling a property, the buyer would not know if they could put in a septic system. Mr. Dunifon discussed some of the lots may be as small as an acre and the potential owners would not know if a septic system would be approved.

Mr. Dunifon commented item four is similar and would again require the owner to go to the health department for a permit before receiving a building permit.

Mr. Dunifon commented Granville Township has been trying to deal with this issue for 35-40 years and needs to get it right. Mr. Dunifon discussed he believes there should be a sunset provision. Mr. Dunifon discussed some of the lots have been there for over 40-50 years and may not be buildable. A sunset provision could give a time, such as 10 years, where the property must be built upon and if not, must then meet the five acre requirement.

Chairman Blanchard questioned what would happen if the property title is transferred. Chairman Blanchard questioned if the new homeowner would have the opportunity and rights which were afforded to his or her neighbor. Mr. Dunifon replied whatever period is given, the right to build would end when the time period end.

Chairman Blanchard discussed when the one house per five acre language was added to the Township Zoning Resolution, the intent was not to allow new builds on lots less than five acres. Chairman Blanchard reported Assistant Prosecuting Attorney (APA) Lecklider advised the Zoning Commission this was not legal and rights cannot be taken away from property owners. Chairman Blanchard reported it was important to involve the other entities when creating the language. There was further discussion concerning owners' rights to improve their properties.

Chairman Blanchard commented a property owner has to meet all four of the criteria in the proposed language, not just one. Chairman Blanchard commented the thinking was that if an

owner of a one acre lot is surrounded by one acre lots, houses are all 50 ft. from the road, etc. and a proposed house is consistent with the adjoining homes, will meet the consistent plan of the neighborhood and meet the front, side, back setbacks, etc. it would be allowed. Houses will not be haphazardly placed in lots.

Commissioner Schaadt discussed the number of lots in Granville Township. Commissioner Schaadt reported there are a total of 72 lots in Granville Township which are under 5 acres. Commissioner Schaadt reported many of these lots are ones which are lots on the side or rear of an existing property and are buffer properties. Some have houses which were built on both parcels but were not combined into a single lot by the auditor. Commissioner Schaadt discussed the sites of the remaining lots were reviewed and some have access problems, etc. Commissioner Schaadt discussed building on a buffer lot would not be consistent with any of the neighborhoods and therefore would not be allowed under the new language.

Chairman Blanchard commented on Mr. Dunifon's concerns about septic systems. Chairman Blanchard discussed if a lot is too small for a septic system to be designed it would not be an appropriate candidate for grandfathering. Chairman Blanchard discussed the Zoning Commission worked closely with the LCPC and the Licking County Prosecutor's office to create a tight scenario for building on a lot under five acres.

Chairman Blanchard advised Mr. Dunifon his points are valid, and commented he appreciated Mr. Dunifon's concern. Chairman Blanchard discussed he was surprised the LCPC did not address Mr. Dunifon's concerns. Chairman Blanchard questioned whether the Zoning Commission addressed Mr. Dunifon's concerns and questioned how the Zoning Commission and Mr. Dunifon could work together to make Mr. Dunifon feel comfortable.

Commissioner Schaadt discussed what was discovered last fall was certain 2 acre lots in the Township were treated differently. If a 2 acre lot was in a platted subdivision, the lot was fine, but if the lot was not in a subdivision, it was an illegal use. Commissioner Schaadt commented the proposed language creates an even playing field where all lots are treated the same. Commissioner Schaadt discussed a property owner, who has a lot which was created prior to zoning but chose not to build upon the lot, may have been paying taxes on the lot as if it were buildable. Commissioner Schaadt commented it would be hard to tell the property owner that since the property is not in a subdivision, he or she has lost value in the property. There was further discussion concerning this issue. It was reported the intent of the Zoning Resolution and previous Township Trustees was not to treat lots in subdivisions differently from those lots not in subdivisions.

Trustee Schott reported Zoning Inspector Warren May was perplexed as to why this is now an issue as he felt as though the Trustees' intent was to have the properties being discussed grandfathered and treated the same as platted lots under five acres. Trustee Schott discussed there was a technicality when the prosecutor's office realized there was a separation of code from Section 403 and Section 404 and lots of record were not addressed. Trustee Schott reported

Zoning Inspector May was treating the properties the same for many years. Trustee Schott discussed the proposed language change is a formality.

Chairman Blanchard discussed there were some concerned neighbors who raised questions which could not be answered, and now will be addressed by the proposed language. Chairman Blanchard commented the proposed language will be a useful tool for Zoning Inspector and Compliance Officer Binckley. Chairman Blanchard discussed when Zoning Inspector and Compliance Officer Binckley receives a permit application, he may approve or deny the permit. The owner may then appeal to the Granville Township Zoning Board of Appeals (ZBA). Chairman Blanchard discussed if Zoning Inspector and Compliance Officer Binckley cannot answer yes to all four items, the property owner would need to appeal to the ZBA.

Chairman Blanchard reported the Zoning Commission has spent several months working on the proposed text amendment change and hopes it has addressed everyone's concerns. Chairman Blanchard discussed there may be people other than Mr. Dunifon in the township who have concerns, but unfortunately they have not come to the public meeting. Chairman Blanchard thanked Mr. Dunifon for sharing his concerns.

Commissioner Schaadt commented he believes the health department may be contacted concerning septic systems before a permit is issued. Commissioner Schaadt discussed the lot size, etc. would be given and approval from the health department received before a building permit is issued.

Commissioner Paumier discussed in many business transactions there is approval, pre-approval, hard approval, soft approval, etc. Commissioner Paumier questioned how much approval the proposed text is requiring to meet items three and four. Chairman Blanchard discussed under item three, if a letter of approval is not received from the health department, the permit will not be issued. There was further discussion concerning this issue and the health department requirements; soil testing, drilling for wells, etc. The Burg Street lot was discussed and Chairman Blanchard commented the gentleman who came to the Zoning Commission meeting claimed he had approval from the health department.

Chairman Blanchard questioned if Mr. Dunifon better understood the Commission's intent. Mr. Dunifon responded he understood the intent, but thought there were holes in the proposed language. Mr. Dunifon discussed item one and commented plans would have to be submitted to Zoning Inspector and Compliance Officer Binckley.

Trustee Schott commented Zoning Inspector and Compliance Officer Binckley would have to look at the area, see setbacks, etc. Chairman Blanchard discussed a property owner would have to work diligently to obtain a building permit for a lot under five acres. Time, energy, and money would need to be invested for surveys, testing, architectural drawings, etc.

Trustee Schott discussed if there is a neighborhood of ranches, and four story home is proposed, it would not be in the character of the neighborhood and a permit would not be issued.

Mr. Dunifon commented he was on Hankinson Rd. and would be hard pressed to determine what was conforming on that road as there is a hodge-podge of everything. Commissioner Schaadt discussed along with style the proposed language addresses setbacks. Commissioner Schaadt discussed Loudon Street has many smaller lots but if the general setback of the neighborhood is not less than 50 ft., there could not be a permit issued for a house with a 40 ft. setback. There was further discussion concerning what is conforming in neighborhoods.

Chairman Blanchard reported the Zoning Commission's hope when creating the language was to work collectively with Zoning Inspector and Compliance Officer Binckley and the ZBA. Chairman Blanchard commented every lot cannot be addressed in a language change, but hopefully the majority were accommodated. Chairman Blanchard commented the prosecuting attorney and the Zoning Commission believe this language affords the landowner his or her rights and limits the ability to build a non-conforming structure.

Commissioner Paumier commented it is hoped Zoning Inspector and Compliance Officer Binckley errors on the side of caution as there is still an appeal process through the ZBA.

Trustee Schott commented if Zoning Inspector and Compliance Officer Binckley approves a permit the adjoining property owners would also be able to appeal the permit to the ZBA. Trustee Schott discussed this would be able to be done by anyone notified of the permit.

Mr. Dunifon discussed there was a house built by Terra Nova on Loudon St. There are three separate parcels which add up to approximately 5 acres. One parcel was approximately 3.46 acres, the second was 1.7 acres, and the third parcel was .75 acres. Mr. Dunifon questioned if homes could be built on all three parcels.

Chairman Blanchard reported the Township negotiated with Terra Nova. Terra Nova agreed to build a more appropriate non-conforming structure on the two remaining lots. The two smaller lots will be combined, and one other home built. The house will be moved back to make it more conforming.

Trustee Schott commented Terra Nova may still need a variance from the ZBA. The house is allowed to be rebuilt on the existing footprint of the prior home. Chairman Blanchard discussed the Zoning Commission is in favor of Terra Nova making the new home more conforming.

Commissioner Paumier questioned Trustee Schott's comment about notification of neighbors prior to issuance of a building permit and their opportunity to appeal the permit. Commissioner Paumier discussed there is no such mechanism.

Trustee Schott discussed if the setbacks are encroached, the neighbors would be notified. If the setbacks are not encroached, no one is notified.

Commissioner Paumier discussed there are many definitions in the Zoning Resolution, but there is not a definition for conforming. Commissioner Paumier commented the Commission may want to add a definition for conforming lots at a later time.

Commissioner Brown commented he believes the key to the proposed language change is that the minimum footprint proposed, setbacks, etc. will be reviewed. Zoning Inspector and Compliance Officer Binckley will review the neighborhood, and the process will be the least painful and fair for everyone.

Chairman Blanchard discussed the Zoning Commission feels strongly about the proposed language and trusts the Zoning Inspector and ZBA will do great job enforcing and regulating the Zoning Resolution.

Trustee Schott discussed Mr. Dunifon's suggestion for a sunset provision. Trustee Schott reported APA Lecklider provided a reason why not to give a timeframe. Chairman Blanchard reported APA Lecklider advised it is illegal to take rights from the existing homeowner, regardless of the timeframe.

Mr. Dunifon reported there were several other changes at the planning commission which included sunset provisions. Commissioner Schaadt discussed there is a sunset provision if a house is destroyed by fire. This is covered under the Ohio Revised Code and the owner has two years to put the structure back in place or will lose the right of that use.

Chairman Blanchard reported if a building permit is issued and the home not built within a year, the permit expires.

Commissioner Schaadt discussed the proposed language change is in Section 403, which only deals with unimproved lots. Commissioner Schaadt commented sunset provisions are for lots which had structures and are protected by the Ohio Revised Code.

There was further discussion concerning Section 405, non-conforming use of land which includes a two year provision. Chairman Blanchard advised Mr. Dunifon that APA Lecklider told the Zoning Commission a sunset provision in this section could not be enforced.

Chairman Blanchard discussed approval of the proposed text amendment will need to occur at a subsequent meeting.

VII. Adjournment:

Commissioner Paumier made a motion to close the Public Hearing concerning the text amendment proposal for section 403 of the Zoning Resolution. Chairman Blanchard seconded the motion and the Public Hearing was closed at 7:48 p.m.

Chairman Blanchard advised the next meeting will occur immediately after the public hearing.