

Granville Township Zoning Commission

June 2, 2014

Public Meeting

Minutes

Present: Commissioners Steve Brown, Vince Paumier, Rob Schaadt, and Tom McCullough, Recording Secretary Betsey Hampton.

Absent: Chairman Chip Blanchard

I. Commissioner Paumier opened the meeting at 7:05 p.m., followed by roll call.

II. May 19, 2014, Zoning Commission Meeting Minutes:

The Commissioners were provided with a copy of the May 19, 2014, meeting minutes and the May 19, 2014, and Public Hearing minutes. The Commissioners reviewed both sets of minutes. Commissioner Brown made a motion to approve the May 19, 2014, meeting minutes and May 19, 2014 Public Hearing minutes as submitted. Commissioner McCullough seconded the motion and both sets of meeting minutes were approved.

III. Announcements of Chairman:

Commissioner Paumier announced the purpose of the meeting was to discuss lots were are developed and to review sections 404, 405, 406, 407, 408, and 409 of the Township Zoning Resolution.

IV. Old Business:

There was no old business to discuss.

V. New Business:

Commissioner Paumier suggested before the language was determined, the commissioners indicate what end results they would like and then develop the language to achieve those results.

Commissioner Brown suggested the commissioners first discuss existing properties which need to be replaced. Commissioner Brown discussed they will need to determine the correct verbiage to accomplish this and allow owners to use the same footprint, or determine what will be allowed and what will not be allowed.

Commissioner Schaadt suggested the Commissioners review the above listed Zoning Resolution Sections and ensure if someone requests a permit from Zoning Inspector and Compliance Officer Binckley he will be able to look in the Zoning Resolution and decide whether to issue the permit or not to issue the permit. If Zoning Inspector and Compliance Officer Binckley is unable to issue a permit, the owner will need to appeal to the Township Board of Zoning Appeals (BZA.) Commissioner Schaadt discussed the Commissioners may want to do some minor revisions to the resolutions concerning existing structures, such as additions, etc. Commissioner Schaadt discussed there is language in the Zoning Resolution concerning moving a house.

Commissioner Paumier discussed possible scenarios such as a non-conforming property in a neighborhood with other small, non-conforming lots which do not meet setbacks, etc. Commissioner Paumier discussed if the owner of such a property would like to put an addition on, add a patio, expand the basic size of the home, etc. he or she would now need to go to the BZA. Commissioner Paumier commented the Zoning Commission needs to agree upon a philosophy, intent, or interpretation concerning this issue, and if it does not, needs to discuss it further.

Commissioner Schaadt commented if someone wants to add an addition and the addition does not further increase the non-conformity, the Zoning Commission should find language to permit it without going to the BZA.

Commissioner McCullough discussed if a house burns down and the owner rebuilds on the same footprint, the owner will be okay if the lot is still non-conforming and the owner will not need to go to the BZA. Commissioner McCullough questioned what would happen if the owner primarily rebuilds to the prior footprint but also wants to add a sunroom. Commissioner Schaadt commented the owner may want to move the home back 10-15ft. which would still not be the current setback, but does decrease the non-conformity.

Commissioner Paumier questioned what would be done if an owner decides to add air conditioning to a home on a non-conforming lot. Would the addition of the concrete pad for the air conditioner increase the non-conformity of the lot?

Commissioner Schaadt commented he believed in the Township this was not something which would be a problem, but the Village would require a permit.

Commissioner McCullough discussed the installation of a geo-thermal unit. Commissioner Schaadt commented installation of a geo-thermal unit would not be much different than leach fields, etc. which are allowed.

There was further discussion concerning possible scenarios and whether they change the footprint of the dwelling. There was also discussion concerning what requires a permit.

There was discussion concerning what is the definition of 'footprint.' The Commissioners agreed the term footprint needs to be defined in the Zoning Resolution. There was discussion concerning definitions of building, dwelling, structure, etc. The Commissioners read several Zoning Resolution definitions and portions of the Ohio Revised Code (ORC). ORC 519.19, which discusses the two year window to rebuild a home according to the prior footprint, was reviewed. There was further discussion concerning what is a structure and what is a footprint.

Commissioner Schaadt commented the footprint is the location and the dimensions of the structure on the property. If the structure was 24 ft. deep on the property and the owner wants to make it 28 ft. deep, the footprint has changed.

Commissioner Paumier questioned how the Commissioners would like to tackle the problem as they are in agreement on the philosophy.

Commissioner Schaadt discussed and read Granville Township Zoning Resolution 406.1. Commissioner Schaadt commented what is not dealt with is if the structure could be altered in a way that does not decrease the non-conformity but also does not increase the non-conformity. If a house is 90 ft. from the road, does not meet the setback, but has plenty of rear yard, could an addition be added to the back of the house.

Commissioner Paumier commented a regulation cannot be written to satisfy every scenario and questioned if there would be a significant downside to requiring the owner in the previous scenario to go to the BZA. Commissioner Schaadt commented this may be fine.

Commissioner McCullough discussed various scenarios where the owner may first just want to add a patio, but then also wants a pool, shelter, etc.

Commissioner Schaadt commented it may be fine for the Zoning Commission to do nothing, but Zoning Inspector and Compliance Officer Binckley will need to understand what the Zoning Commission believes to be the intent of 406. Commissioner Schaadt commented Zoning Inspector and Compliance Officer Binckley should not be put in a position where he does not know what is and what is not okay.

Commissioner Paumier commented he believes 406.1 is clear cut. Commissioner Brown commented anything above and beyond would need to go to the BZA. It was questioned and discussed how many times the issue will come up in a given year.

There was discussion concerning item three in the December 9, 2013, letter to the Zoning Commission from Trustees Jenks. Commissioner Schaadt discussed whether the Zoning Commission wants to cover rebuilding or replacement of a structure if it is burnt down, blown over, etc. Commissioner Schaadt reported he spoke to Assistant Prosecuting Attorney (APA) Lecklider concerning this issue, and was advised whether the Township has the language or not, the State of Ohio will trump anything the Township says as long as it is rebuilt within two years. Commissioner Schaadt commented Trustee Jenks is asking if the Zoning Commission wants to include language to allow what the State of Ohio will tell the Township it has to do.

Commissioner McCullough questioned if this would allow a structure which the owner states is not good to be demolished and then rebuilt. Trustee McCullough questioned whether it mattered how the structure was destroyed. Commissioner Paumier reported he read something stating it would need to be due to a natural disaster, etc. There was further discussion concerning this issue and whether something could be torn down just to be rebuilt as a 'McMansion'.

Commissioner Schaadt reported he saw language in the Union Township Zoning Resolution which was provided by Chairman Blanchard. There was discussion concerning Union Township's language. Commissioner Schaadt commented other Townships have language addressing the issue of rebuilding if the house is destroyed.

There was discussion concerning Section 402- Avoidance of Undue Hardship.

It was questioned if the Commissioners want to add a fifth item to Section 406 covering rebuilding after a home is destroyed by fire, tornado, etc. or leave it out. There was discussion

concerning whether it would cover destruction by any means. There was further discussion concerning this issue.

Commissioner Schaadt read from Bennington Township, Section 6.5 - Replacing Damaged Buildings

“Any nonconforming building or structure, or one or more of a group of nonconforming buildings or structures related to one industry and under one ownership, which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or act of God, may be reconstructed and used as before, if it be done within 12 months of such calamity or if the area restored does not exceed the square foot area as it existed at the time of such calamity.”

This language was discussed and it was decided the period of time should be changed to 24 months to reflect what is in the ORC. It was discussed if someone originally had a ranch home and would like to rebuild as a two story, the owner would need to appeal to the BZA. It was discussed if an owner of a non-conforming property does not like his current home and wants to tear it down and rebuild it, he or she would need to appeal to the BZA. Commissioner Schaadt discussed in the previous situation, the Township is not taking any rights from the owner. Different examples and scenarios were discussed.

Commissioner Brown questioned if the Zoning Commission should add something stating if an owner of a non-conforming property with an existing structure would need a variance from the BZA if he or she wants to tear it down and rebuild or if as it is not listed it would be known an appeal to the BZA is needed. It was decided only to address the situation of an act of God which destroys a structure.

It was decided to provide the Bennington Township language with the 24 month change to Chairman Blanchard and request he forward it to APA Lecklider and the Licking County Planning Commission (LCPC). Commissioner Schaadt will e-mail the information to Chairman Blanchard.

Commissioner Brown questioned if 406.2 would need reworked. There was discussion whether the new language would replace 406.2, or if it would be a new item. It was decided 406.2 covers when someone wants to destroy their own structure and should be left as is. There was further discussion and it was decided to let the prosecutor decide if the new language should be added after 406.4, or where it should be added in Section 406.

Commissioner Schaadt discussed 406.3. Commissioner Schaadt presented a possible scenario where an owner wants to move a structure 10ft. back and there is a 100 ft. setback required. Moving the home further back would be better, but under 406.3 owner would need a variance.

Commissioner Paumier commented this likely would seldom happen. Commissioner McCullough commented the Zoning Commission cannot cover every situation.

The Commissioners reviewed Sections 404 and 405.

Commissioner McCullough referenced Trustee Jenks' letter from December 9, 2013. Commissioner McCullough discussed item 4 of the letter which discussed aesthetic review.

Commissioner Paumier reported the Commission previously decided it was not going to add an aesthetic review section.

There was discussion of Section 407 and 408. The Commissioners reviewed the language concerning non-bearing walls, cubic content, etc. There was discussion this would address a scenario where an owner could not convert an attached garage into an additional living space, etc.

Commissioner Paumier referred to the December 9, 2014, letter and discussed the section which stated in part, “how should requests be administered that ask for the replacement home to be outside the current footprint and possibly not within the existing setbacks?” The commissioners agreed the answer to this question would be the owner would need to request a variance from the BZA. It was discussed if the language does not grant Zoning Inspector and Compliance Officer Binckley the ability to give a permit, the person may appeal to the BZA.

Commissioner Schaadt commented he would like an opinion from APA Lecklider concerning language requiring lot size to be 5 acres excluding road right of ways (ROW). Commissioner Schaadt discussed he would like to know if APA Lecklider believes the language is an issue. Commissioner Schaadt read the following language from the Zoning Resolution:

General Requirements of the AG District

Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

Lot Area, Width & Depth: Every lot shall have a minimum width of 250 feet at a dedicated roadway and a minimum of 250 feet at the building line, and a minimum lot area of not less than five (5) acres (217,800 square feet), exclusive of road right-of-ways, and inclusive of easement(s) of record. Any new development in the AG District that proposes one or more internal streets and/or five or more lots shall only be developed as a Planned Unit

Development in accordance with Section 912 of this zoning ordinance.

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General Requirements of the R-1 District

Height Limit: No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

Lot Area, Width & Depth: Except in the case of lots on a cul-de-sac, every lot shall have a minimum width of 200 feet at a dedicated roadway. Lots on a cul-de-sac shall have a minimum width of 60 feet at a dedicated roadway and 200 feet at the building setback line. Every lot shall have a minimum lot area of not less than 5.0 net acres exclusive of right-of-ways and inclusive of easements of record.

There was discussion concerning the above language. Commissioner Schaadt commented he believes this language causes many lots to be non-conforming. It was agreed to request an opinion from APA Lecklider.

VI. Adjournment:

Commissioner McCullough made a motion to adjourn the meeting. Commissioner Schaadt seconded the motion and the meeting was adjourned at 8:20 p.m.

Next meetings: To be determined after an opinion is received from APA Lecklider.