

## **Granville Township Zoning Commission**

July 21, 2014

### **Public Meeting**

#### Minutes

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

Guests: Granville Township Trustee Melanie Schott  
Todd Willis, Willis Engineering and Surveying, Newark, Ohio  
Byron Reed, Terra Nova Builders  
Terry Tackett, STDT Properties  
Chris Strayer

I. Chairman Blanchard opened the meeting at 7:04 p.m., followed by roll call.

#### II. Swearing In/ Affirming of Public:

Chairman Blanchard advised there will not be an official public comment period and therefore it is not necessary to swear in the public. If someone would like to go on record, they will need to be sworn in.

#### III. Announcements of Chairman:

Chairman Blanchard advised the meeting will include an informal work session regarding a possible new subdivision on SR 37.

#### IV. Announcements of Commission Members:

Commissioner Schaadt shared information obtained from a meeting with the Licking County Prosecutor's office.

Commissioner Schaadt reported he met with Assistant Prosecuting Attorney (APA) Lecklider today concerning a possible Amendment to Granville Township Zoning Resolution, Section 406.

Commissioner Schaadt reported there were concerns about the five acreage language. APA Lecklider will discuss the language with regional planning and get back with the Granville Township Zoning Commission.

Commissioner Schaadt reported he and APA Lecklider also discussed the possible amendment to Granville Township Zoning Resolution, Section 406. Commissioner Schaadt reported the discussion concerned tying zoning in with what is in the Ohio Revised Code (ORC). Commissioner Schaadt reported APA Lecklider provided him with ORC Section 519.19. Commissioner Schaadt reported the Zoning Commission previously discussed adding language to include act of God, fire, disaster, etc.

Commissioner Schaadt reported APA Lecklider advised if an owner wants to rebuild after a natural disaster, etc. they are allowed whether the Township says so or not. Commissioner Schaadt discussed the language from Bennington Township reviewed by the Granville Township Zoning Commission only allowed for an act of God. Commissioner Schaadt reported APA Lecklider

suggested the way the Township deal with the issue is to have a subsection 5 and suggested the Township reword Section 2. Commissioner Schaadt reported APA Lecklider suggested Granville add criteria. APA Lecklider gave an example that if someone tears down his or her house which was very close to the road, the Township does have some leeway in stating the house may be rebuilt, but request it be made less non-conforming and moved back with a more appropriate setback. There was further discussion concerning this issue.

Chairman Blanchard discussed the Zoning Commission had not considered a scenario where someone voluntarily tore down their house. Commissioner Schaadt reported this issue was discussed, but the Zoning Commission felt the owner would then need to go to the Board of Zoning Appeals (BZA.) Request a variance, etc. before rebuilding. It would be an existing non-conforming structure.

Commissioner Schaadt discussed an owner may tear down the house, but the owner would need to file for permits, and the Township could have some leeway in having the home made less non-conforming, but the Township is not able to keep the owner from rebuilding on the same footprint. There was further discussion concerning this issue.

Commissioner Schaadt reported at the same time, the Township should look at Section 405 which deals more with properties under five acres and the only reason they are non-conforming is they do not meet the minimum acreage. If a house meets all setback requirements, square footage, zoning, etc. and the owner wants to put on an addition, it would be addressed in Section 405.

Commissioner Schaadt reported APA Lecklider explained Section 405 is the use of land and would deal with non-conforming land and Section 406 would deal with non-conforming structures.

Chairman Blanchard discussed Section 405 requires in part that any non-conforming use of land is discontinued or abandoned for over two years, it resorts to current regulations, etc.

Commissioner Schaadt discussed Section 406. APA Lecklider reported there was a case where the insurance company was in a battle concerning fault of a fire, and the final decision was 24 months from the time from the fire and there was additional time until the owner had the funds from the insurance company to begin building. There was discussion concerning when the timeline would begin in this type of scenario.

Chairman Blanchard discussed APA Lecklider's recommendation would be for the Granville Township Zoning Commission to create the language and submit it for informal review. Chairman Blanchard discussed the process for the changes to Section 403 was efficient. Chairman Blanchard discussed due diligence was done ahead of time and the process worked well.

Commissioner Brown commented that is the only way to do it.

Commissioner Paumier summarized APA Lecklider's suggestion was to change Section 406. Commissioner Schaadt agreed and there was discussion concerning Section 406 and criteria and subsets which could be added by the Zoning Commission.

There was discussion concerning whether voluntary demolition should be included. It was discussed the Township would not want someone buying up old homes and tearing them down to build huge, out of character for the neighborhood homes, etc.

Chairman Blanchard questioned whether the Zoning Commission wants to encourage BZA approval or try to address every possible scenario. Commissioner Schaadt discussed what the Zoning Resolution reads now, it contradicts the Ohio Revised Code. Commissioner Schaadt read 406.2 and discussed there currently are not any provisions in the Township Zoning Resolution to allow a rebuild if a house blows down, burns down, etc. even though they are allowed to do so by the Ohio Revised Code. There was discussion concerning possible language which may be added to decrease non-conformity when houses are rebuilt. Chairman Blanchard discussed the possibility of a grandfather clause for 405, 406, and 407. Commissioner Schaadt reported non-conforming structures are already grandfathered by the Ohio Revised Code, but the Township Zoning Resolution does not include it.

There was discussion concerning language to make the homes less non-conforming and consistent with the neighboring properties even if it still does not meet current setbacks. Commissioner Schaadt discussed language should encourage conformity within the neighborhood. Several different scenarios and language changes were discussed.

There was discussion concerning the definition of the footprint for a house. Commissioner Schaadt reported APA Lecklider interprets footprint as the dwelling and garage. Chairman Blanchard commented therefore decks and porches could be under an interpretive clause. Commissioner Schaadt discussed APA Lecklider said swimming pools, things in yard, etc. are not included in the house footprint. There was further discussion concerning this issue. Chairman Blanchard discussed if the footprint of a house is defined as the dwelling and garage only, it would be easy for owners to make moderate improvements and modifications such as wheel chair ramps, etc. If someone's porch is knocked off by an act of God, they can rebuild it as it is not part of the footprint, etc,

It was decided the definition of "footprint" will be added to the Zoning Resolution changes.

Commissioner Schaadt discussed when a home is being rebuilt, Zoning Inspector and Compliance Officer Binckley will have some ability to have some say in moving home, etc. Commissioner Schaadt discussed if a home burns down, there is nothing which can be put in the Zoning Resolution preventing the home from being rebuilt exactly to the previous footprint. It was discussed the goal of the language change is to give them the opportunity to improve when they rebuild without going to BZA.

Chairman Blanchard will discuss potential grandfather clauses for 405 and 406 with APA Lecklider. Possible language and changes were discussed. Commissioner Schaadt suggested changing 2 to state as long as it conforms to the following items, and add items and wording from 403. Commissioner Schaadt will prepare a possible section change and e-mail it to the Commissioners for suggestions before the next Zoning Commission meeting.

Work Session Regarding Proposed PUD on SR 37:

Chairman Blanchard discussed at the previous work session, the partners advised they were in process of surveying the area and a traffic study.

Mr. Willis presented a new map of the proposed PUD. Mr. Willis reported the traffic study was completed and submitted to ODOT. Mr. Willis reported ODOT concurred a left turn lane is not required for either entrance.

Mr. Willis reported an environmental study was completed and a preliminary report received. Mr. Willis indicated the location of wetlands on the map. There was further discussion concerning the revised map of the proposed PUD, easements, streams, etc. Mr. Willis reported the developers will have to adhere to fill in or eliminate up to one half acre of wetland and will need a permit from the Corp of Engineers. Mr. Willis discussed the developers may impact up to 300 feet of streams. There was further discussion concerning permits needed for various changes to the acreage.

Mr. Willis reported the survey indicated there are 96.37 acres in the property instead of 100 acres as is listed on the deed. Mr. Willis reported this eliminated a lot and there will therefore only be 22 lots in the PUD due to the lower acreage and due to undevelopable land.

Mr. Willis reported a 25 ft. buffer of open space has been added around everything. The open space is all connected. Mr. Willis reported the extension was kept to meet Licking County Planning Commission requirements.

Mr. Willis reported he received an e-mail from Brad Mercer which suggested the developers go to a sketch plan and bring out all regulations which apply for their August meeting.

Mr. Willis brought up issues such as block length and connectivity. Mr. Willis reported the Licking County Planning Commission (LCPC) does not get very involved with setbacks, lot size, etc., except as is required by the Health Department. Mr. Willis reported the Health Department requires a lot to be 1.6 acres and the lots for the PUD are 1.93 acres.

Mr. Willis reported there is 50% open space less undevelopable land. MR. Willis reported they would like to have 180 ft. of frontage. Mr. Willis further discussed the reasons for the proposed layout of the PUD due to streams, ravines, floodplains, etc.

Chairman Blanchard questioned if there were any discussions concerning improvements previously discussed to improve the entryway. Mr. Willis discussed they will likely fill in the existing pond and may be able to put in ponds on the west side of the development but there is a stream on the east side which cannot be impacted. Mr. Willis explained a stream cannot be run through a permanent body of water.

Chairman Blanchard discussed there is space on the west side of the road and questioned if there was value in the existing pond. Mr. Willis reported the pond will be filled in and the road will run through it. There was further discussion concerning where the road will run, where the current pond and house are located, etc.

Mr. Tackett reported there is a chance a small pond may be added to the east side of the PUD.

There was further discussion concerning Right of Ways (ROW), location of roads, road grading, and line of sight. etc. Chairman Blanchard advised he was surprised ODOT did not require a turn lane, especially from the north. Mr. Willis reported the PUD entrance line of site is 150 over the minimum requirement.

Commissioner Schaadt questioned lot depth, front and side setbacks, etc. for two proposed lots. There was further discussion concerning this issue.

Commissioner Brown questioned if there an issue with the schools concerning the ability of school busses to turn on T ending. Mr. Willis reported T ends were done in Stonecreek. There was further discussion concerning this issue, the widths of the roads, etc.

Commissioner Paumier questioned what is the rational for the density bonus. Mr. Willis discussed the connectivity of the open space and the high quality of the design. There was further discussion of Section 9.124. Commissioner Paumier read Section 912.4 of the Township Zoning Resolution which states in part:

The Zoning Commission may increase the permitted density in a PUD, when the applicant has gone beyond the base requirements of this Section 912, by a maximum of 15% to encourage high quality design with as much undeveloped land remaining so in perpetuity.

There was discussion concerning how the developers believe they have a high quality design. Mr. Willis questioned whether the open space land would be left to the development's home owner's association or given to the Township. Commissioner Schaadt discussed there has been no communication from Township Trustees indicating the Township wants the open space acreage.

Commissioner Paumier reported he would like the developers to present 4-5 bullet points and present a narrative explaining why they should be granted the density bonus for the PUD. Mr. Tackett questioned if there are parameters the commissioners use.

Chairman Blanchard discussed there has been improvement. Commissioner Paumier discussed he only has a map to look at and would like the developers to present bullet points to show the high quality design and why the proposed PUD should be granted the density bonus. There was further discussion concerning this issue.

Chairman Blanchard discussed the community is familiar with Terra Nova Builders and its high quality of construction and attention to detail. There was further discussion concerning elevation, setbacks, egress, open space acreage, streams, area of adjacent Township green space, etc.

Mr. Willis reported the developer's next step is to submit a sketch plan to the Licking County Planning Commission and have a technical review meeting which the Granville Township Zoning Commission, Township Trustees, Schools, etc. will be invited to attend.

Chairman Blanchard discussed a work session with the Trustees, developers, Zoning Commission, ODOT, emergency services, schools, etc. is welcomed as he would like to hear others' concerns. Trustee Schott reported one of the Trustees will attend. Possible dates for the meeting were discussed and the likely date will be the morning of August 13, 2014, at the Licking County Administration Building. Chairman Blanchard and Commissioner Schaadt will attend the meeting.

Chairman Blanchard thanked the developers and Mr. Strayer for attending the meeting.

There was further discussion concerning traffic study conducted and the lack of requirement for a turn lane.

Commissioner Paumier discussed the developers have not done much beyond what was necessary to gain the density bonus for a high quality design. There was further discussion concerning what the homes will look like, what deed restrictions might be, etc. Chairman Blanchard commented the

Zoning Commission can negotiate conditions, quality, impact, improvements, etc. for the PUD. There was discussion concerning open space access, maintenance, and use.

Chairman Blanchard recommended the Commissioners e-mail a list of their questions and concerns to him so he may present them at the LCPC technical review meeting on August 13, 2014.

V. June 16, 2014, Zoning Commission Meeting Minutes:

Chairman Blanchard provided the Commissioners with a copy of the June 16, 2014, meeting minutes. The Commissioners reviewed the minutes. Commissioner Brown made a motion to approve the June 16, 2014, meeting minutes. Commissioner Paumier seconded the motion and it was approved by an affirmative vote.

VI. New Business:

There was no new business to discuss.

VII. Adjournment:

It was determined there will not be a meeting on Monday, August 4, 2014.

Chairman Blanchard made a motion to adjourn the meeting. Commissioner Paumier seconded the motion and the meeting was adjourned at 8:33 p.m.

Chairman Blanchard advised the next meeting will be on August 18, 2014.