

**Granville Township Zoning Commission**  
September 15, 2014

**Public Meeting**  
Minutes

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

Guests: Rima Jurgis, Denison University  
Molly Willingham, Denison University

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

II. Swearing In/ Affirming of Public:

The guests advised they will not be speaking at the meeting and therefore were not required to be sworn in.

III. Announcements of Chairman:

Chairman Blanchard announced he had a long discussion with Assistant Prosecuting Attorney Lecklider (APA) Lecklider and Brad Mercer, Licking County Planning Commission (LCPC), concerning the re-zoning application process for Black Radish Creamery. This will be covered in Old Business.

Chairman Blanchard reported he spoke with Terra Nova today, and the developers of the proposed PUD on SR 37 are not ready with their information. Chairman Blanchard reported he will be meeting with the developers at the Aladdin restaurant at 8:00 a.m., on Thursday, September 18, 2014, to specifically discuss the timelines and meeting schedules for Granville Township and LCPC. Chairman Blanchard advised anyone is welcome to meet at Aladdin for the timeline and schedule discussion.

Commissioner Paumier questioned if the developers have submitted an application, and Chairman Blanchard advised they have not. Chairman Blanchard discussed the developers are approaching the application process cautiously as they have a great deal of money invested and want to go through the process once. Chairman Blanchard advised the developers will not be at the Zoning Commission's September 29, 2014, meeting. Chairman Blanchard advised Black Radish Creamery likely will also not be in attendance at the Zoning Commission's September 29, 2014, meeting.

Commissioner Schaadt questioned if there was any indication the Olde Park developers will be incorporating right turn lanes. Chairman Blanchard advised the developers did not address the turn lanes, and only discussed schedules and timelines.

Commissioner Paumier questioned if the Township Zoning Commission has an application from Black Radish Creamery. Chairman Blanchard advised the Township Zoning Commission does officially have an application for re-zoning from Black Radish Creamery.

#### IV. Old Business:

It was decided to move into Old Business as there were questions concerning Black Radish Creamery. Chairman Blanchard reported when the issue was discussed with the Township Trustees, it was thought if the Zoning Commissioners denied the re-zoning application the Trustees could modify the application with conditions. Chairman Blanchard reported APA Lecklider advised the Zoning Commissioners may either approve or deny the application. There is not an M1-A, B, C, etc. Chairman Blanchard reported he was advised by APA Lecklider there is not a way for the Zoning Commissioners to deny and then return the application with a conditional M1.

Chairman Blanchard reported LCPC would likely not find in favor. The Trustees would then have an unfavorable opinion from LCPC and an unfavorable opinion from their own Zoning Commission. Chairman Blanchard reported APA Lecklider suggested the Township Zoning Commission go to Black Radish Creamery and ask them if they would like to withdraw their application for a map change and instead pursue a text amendment.

Chairman Blanchard discussed this type of map change appears to fit into the Granville Township Comprehensive Plan. Chairman Blanchard discussed a conditional use for an artisan dairy could be added under agricultural zoning.

Chairman Blanchard discussed this is not spot zoning for this parcel of land, but if this is something the Township wishes to encourage in the Township there could be something done with specific language such as limited production, limited square footage, limited traffic, etc. Chairman Blanchard advised the Zoning Commission has many options in creating a text amendment.

Commissioner Paumier reported he printed the Franklin County exceptional zoning language which included items such as restricted limited industrial use, general industrial use, etc. Chairman Blanchard discussed that zoning is not applicable to Granville Township. There was further discussion concerning this language. Chairman Blanchard discussed the Zoning Commissioners could use Granville Township's existing zoning and allow a conditional use under agriculture. Commissioner Schaadt commented this would not be a new zoning classification, just a conditional use. Commissioner Schaadt discussed creating M1, M2, M3, etc. as in Franklin County would be creating separate zoning classifications. Chairman Blanchard discussed the Township would then need to create a subset within every classification, etc.

It was discussed the conditional use for an artisan dairy will fall under agricultural. Chairman Blanchard discussed agricultural zoning is consistent with all the adjacent property owners. Chairman Blanchard discussed this specific conditional use for an artisan dairy could happen anywhere in the Township. There was further discussion concerning this issue. Chairman Blanchard discussed certain criteria will be set by the Zoning Commission for the conditional use to be granted.

Chairman Blanchard reported the Zoning Commission will create the text amendment language, and the issue will go to the Granville Township Board of Zoning Appeals (BZA) for their review of the conditional use. Commissioner Paumier questioned if the issue would have to go to the Township Trustees, LCPC, etc. Chairman Blanchard advised the approval for the text amendment will be the

same as for previous text amendments. There was discussion concerning the process and timeline for a Zoning Resolution text amendment. Chairman Blanchard advised the Zoning Commissioners will make a non-binding recommendation to the Trustees, etc.

Commissioner Brown discussed the text amendment will not be specific to this parcel of land. Chairman Blanchard confirmed the amendment will apply to the entire Township. Chairman Blanchard discussed he was repeatedly cautioned by APA Lecklider this is not a recommendation or suggestion, but is merely an option.

Commissioner Paumier questioned where the Trustees had obtained their information concerning their ability to approve with modifications. Chairman Blanchard discussed it was thought the Trustees could incorporate something into Open Space, etc. but in order to get to that point, the land would have to be voted M1. Chairman Blanchard discussed the Zoning Commissioners would not be willing to vote re-zoning to M1. There was discussion the Commissioners would not feel comfortable issuing a blanket M1 zoning and hoping the Trustees would follow up. Chairman Blanchard reported the LCPC is of the same opinion, although their opinion is non-binding. There was further discussion concerning this issue.

Commissioner Schaadt questioned if Black Radish Creamery will submit an application for conditional use. Chairman Blanchard discussed Black Radish Creamery will need to withdraw their re-zoning application. Chairman Blanchard reported legal notices were already sent to the paper, library, website, etc. Chairman Blanchard discussed the letters to the adjacent property owners have not been sent, but if the application is not withdrawn, the notices will need to be sent by certified registered mail by September 19, 2014. There was further discussion concerning this issue. Chairman Blanchard advised the fee for the application would be refunded if the application is withdrawn.

Commissioner McCullough questioned if there might be push back from the Trustees as he does not want the applicant to wait through discussions between the Zoning Commission and Trustees. Chairman Blanchard reported he spoke to Trustee Schott who advised she will support either direction taken. Commissioner Blanchard discussed if the application is not withdrawn, the Commissioners would need to vote and their vote and the LCPC vote would likely be unfavorable.

It was discussed even if the Township Zoning Commission and the LCPC vote to deny the re-zoning application, their opinions are non-binding and the Trustees have the ability to vote as they choose and approve the application. Chairman Blanchard reported APA Lecklider advised the previously discussed process where the Township Zoning Commissioners deny the application and the Trustees approve with modifications does not exist. This issue was further discussed.

Chairman Blanchard reported he advised APA Lecklider the Zoning Commission wants to work with the owner of Black Radish Creamery. It was discussed the Commissioners believe in the owner and do not think he is creating a mock business, etc.

The timeline for approval of a text amendment was discussed. If the Zoning Resolution is approved, anyone who wants conditional use would submit to Zoning Inspector and Compliance

Officer Binckley. The Township BZA would need to approve the application for conditional use and would need to abide by the criteria created by the Zoning Commission.

Commissioner McCullough discussed if Black Radish Creamery is approved for conditional use, and later goes out of business, the land would still remain agricultural but still be approved for use as an artisan cheese producer. The land could be used to make cheese, but not widgets, etc. Chairman Blanchard advised it will be up to the Zoning Commissioners to create language which specifically limits the conditional use. There was further discussion concerning possible language which could be included.

Chairman Blanchard questioned if the Commissioners were inclined to work with the owners of Black Radish Creamery by amending the Zoning Resolution and creating a conditional use. Commissioner McCullough commented amending the Zoning Resolution seems to be a cleaner process and will keep the property zoned agricultural. Commissioner Paumier commented the owner will not be able to break ground this year. There was further discussion concerning this issue.

Chairman Blanchard discussed another person could ask the Zoning Commissioners for a conditional use for something other than artisan cheese. The Zoning Commissioners could advise the new use does not meet the goals of the Township and explain why. The Zoning Commissioners could instead think the new use does fit in and meet the goals of the Township and then create conditional use B, C, D, etc. There was further discussion concerning this issue.

Commissioner Schaadt discussed artisan cheese seems to fit closely with agriculture. It was discussed all the adjacent property is farms. There was further discussion concerning the location of the property and adjacent property.

The Commissioners agreed to pursue creation of a text amendment to allow conditional use for artisan cheese production under agriculture. Chairman Blanchard reported he will ask the owners of Black Radish Creamery if they would like to withdraw their application and receive a refund of the application fee. If the application is not withdrawn, the September 29, 2014, meeting will still be held and the certified letters would still need mailed. Chairman Blanchard advised the letters would need to be mailed by the 19<sup>th</sup>, and should therefore be mailed by Wednesday, September 17, 2014, to make sure the deadline is met.

There was further discussion concerning what could be included in a text amendment and a work session with Black Radish Creamery could assist with language. There was further discussion concerning this issue. Commissioner Paumier suggested asking Black Radish to supply a business plan to the Commissioners prior to the work session for the Commissioners to review.

Commissioner Schaadt discussed under a conditional use the property will remain in agricultural and there will be tax advantages, etc. Commissioner Schaadt discussed it would be in the owner's best interest keep the property zoned agricultural. Chairman Blanchard suggested if the owner decides to withdraw the re-zoning application the meeting on September 29, 2014, be changed to a work session. It will still be a public meeting, but there will not be a vote.

#### Probable Alternatives to Existing Structure Modifications:

##### Section 405 of the Township Zoning Resolution:

Commissioner Schaadt discussed changes he made to suggested language concerning Section 405 of the Township Zoning Resolution which he sent in an e-mail to the Commissioners.

Commissioner Schaadt reported he discussed with APA Lecklider language which would allow for a property which meets most requirements, but is under 5 acres, where the owner wants to add an addition without being required to go to the BZA. Commissioner Schaadt reported he wanted to add language which addressed if the home is in accordance with the general plan of the neighborhood. The Commissioners discussed the proposed language such as whether the language should be 'less non-compliant' or 'more non-conforming', 'increase' vs. 'decrease', etc. It was determined to ask the LCPC to help with verbiage.

Commissioner Schaadt discussed the proposed changes would allow the Township Zoning Inspector and Compliance Officer the ability to decide if one house is close to the road and everything else has a 100 ft. setback and the owner wants to move the house it may be done as it will be more in accordance with the general plan of the neighborhood. There were other possible scenarios discussed.

It was discussed the home would not have to fit the exact footprint as long as it was more conforming to the general plan of the neighborhood. Commissioner Schaadt discussed Section 405 does not deal with someone tearing down and rebuilding it deals with an owner who wants to add an addition, deck, etc. An addition could be added if it does not create a side setback issue, etc. It was discussed Section 406 addresses rebuilding something which was destroyed the owner wants to rebuild. Commissioner Schaadt discussed Section 405 addresses a house which is existing. Commissioner Schaadt reported he was advised by APA Lecklider, Section 405 deals with houses which are non-conforming due to site size. Commissioner Schaadt reported under the current Zoning Resolution, if a home is on a lot less than 5 acres whose owner wishes to add a deck, the Township Zoning Inspector and Compliance Officer may not issue a permit and the owner must apply to the BZA. Commissioner Schaadt discussed the language change would be done to allow a permit to be issued if the addition of a deck would not make anything less compliant, etc. Possible scenarios and previous e-mail correspondence were discussed.

Commissioner Paumier proposed adding, "unless this change does not increase non-conforming use and is in accordance with the general use of the neighborhood." There was discussion concerning this language and possible scenarios proposed. It was discussed the wording "general plan of the neighborhood" provides the Township Zoning Inspector a tool to use when reviewing an application. Chairman Blanchard will send this language to APA Lecklider and request feedback.

##### Section 406 of the Township Zoning Resolution:

Commissioner Schaadt reported Section 406 of the Township Zoning Resolution does not allow the owner of a house which is burnt down, torn down, etc. could not be rebuilt unless the owner goes through the BZA. Commissioner Schaadt reported APA Lecklider advised the Ohio Revised Code (ORC) provides people the right to rebuild within a two year period no matter what the Township's Resolution states. Commissioner Schaadt reported APA Lecklider's suggestion was to add however

many points the Commission would like to make to stipulate what would be acceptable without the owner going to the BZA. APA Lecklider also recommended changing item 4 to item 6 so if nothing meets the criteria the owner would need to appeal to the BZA. Language to allow the house to be moved was suggested if the move “would increase the home’s conformity and is in accordance with the general plan of the neighborhood.” The language currently allows the home to be moved if it meets all the setbacks, and on some lots this is not possible as there is not enough room, etc. Commissioner Schaadt commented if the requirement is a 100 ft. setback, and the home is moved to a 90 ft. setback, it would be better than the original 70 ft. setback and should be encouraged if it goes with the general plan of the neighborhood. There was further discussion concerning this issue and the possible language. Items 1 through 6 were discussed. It was discussed it would be important to rebuild to the original footprint to avoid owners razing their homes and rebuilding with much larger structures, etc.

There was discussion concerning the use of the word ‘and’ rather than ‘or’ in the proposed language; “would increase the home’s conformity and is in accordance with the general plan of the neighborhood.”

Commissioner Schaadt questioned if the other Commissioners could think of other items which should be included in Section 406. There was discussion concerning the two year time limit and whether the two years should be from date of loss or date of permit. Chairman Blanchard suggested the language could include, “from date of loss or otherwise negotiated by the owner with the Township.” Commissioner Schaadt reported APA Lecklider discussed if a house burns down, the owner may be held up due to litigation before the person would have the funds, etc. Commissioner Schaadt discussed a possible scenario where a house could burn down, is sold as is, and the buyer tears it down but waits four years to re-build. It was discussed there needs to be a point where something is done with the property to continue to be allowed the non-conforming use of the property. It was discussed the State of Ohio allows 2 years. Chairman Blanchard discussed something could be added such as, “the property owner who experienced the loss.” There was further discussion concerning this issue and different scenarios. It was discussed the State of Ohio allows two years or the property must be conforming. It was discussed after two years there could be a requirement the owner go through the BZA. There was further discussion concerning this issue.

Item number 3 in 405 was discussed. Commissioner Paumier commented he believes the language should be consistent.

Commissioner Schaadt discussed whether a side note concerning 406-3 be written to APA Lecklider stating the Commissioner’s concern with the two year time limit such as what the trigger is, and how to address a delay due to insurance or extenuating circumstances, etc. It was questioned whether the clock would start over if the property was sold to a new owner. Commissioner Schaadt discussed an example of homes in an area re-zoned to business use which were foreclosed upon. A new owner was unable to rent out the homes as they had been abandoned for over two years and therefore were no longer able to be used as single family dwellings.

Commissioner Paumier questioned if similar language from Section 405-1 would be added to Section 406-1. There was discussion concerning the current and proposed language in each section. Language to allow the home to be moved as long as there is not an increase in non-conformity was discussed. Commissioner Schaadt discussed there should be something to encourage decreasing the non-conformity.

Chairman Blanchard discussed he does not like the blanket exemption on item 6. Commissioner Schaadt reported this exemption was already in the section.

Chairman Blanchard reported he will summarize the language changes and send them to APA Lecklider for review.

Commissioner Schaadt suggested the public hearings for the changes to Section 405 and 406 be held at the same time as the public hearings for the conditional use changes.

There was discussion concerning the dates for upcoming Commission meetings. There will be a work session on September 29<sup>th</sup>, if Black Radish is available. There will not be a meeting on October 6, 2014, as it will be unlikely feedback will be received from APA Lecklider in one week. There will be a meeting October 20, 2014.

#### V. Approval of Meeting Minutes:

Approval of the minutes from July 21, 2014:

Chairman Blanchard made a motion to approve the corrected minutes from July 21, 2014.

Commissioner Paumier seconded the motion and the minutes were approved by a unanimous vote.

Approval of the minutes from September 2, 2014:

The Commissioners reviewed the minutes and made several corrections. Chairman Blanchard made a motion to approve the September 2, 2014, minutes as corrected. Commissioner Brown seconded the motion and it was approved by a unanimous vote.

#### VI. Public Comments:

There were no public comments.

#### VII. New Business:

There was no new business to discuss.

#### VIII. Adjournment:

Chairman Blanchard made a motion to adjourn the meeting. Commissioner Paumier seconded the motion and the meeting was adjourned at 8:23 p.m.

Chairman Blanchard advised the next meetings will be on September 29<sup>th</sup>, 2014, and October 20, 2014.