

SWANCREEK TOWNSHIP BOARD OF TRUSTEES

Thursday, June 21, 2007  
Special meeting

Board members present: Ron Holdeman, Chairman, Trustee Randal R. Ruge Administrative Assistant, Christine Lauch.  
Zoning Board – Walt Lange, Chairman, Jim McConkey, Joe Kahl, and Jim Wagoner.  
Board of Zoning Appeals – Earl Rowland, Chairman Darrin Gramling, Ronald Rouleau, Bill Grimsley,  
David Smith

Also in Attendance: Steve Brown, Fulton County Regional Planning Commission, Tammy Mull, Fulton County  
Regional Planning Commission

Visitors: Dave & Connie Schultz, Cheryl Chapa, Carol Echler, Roger Myers. – see sign in sheet

The special meeting of the Swancreek Township Board of Trustees was called to order at 7:00 p.m. by Trustee Holdeman.  
Roll call: Trustee Ronald Holdeman - yea, Trustee Randal Ruge – yea

Pledge of Allegiance

**New Business: Swancreek Township Zoning/Lot Split Procedures**

Trustee Holdeman explained that the reason for this meeting is for communication between all boards and board members to be on the same page as to lot splits, etc. He stated that Steve Brown and Tammy Mull were invited for this discussion.

Trustee Ruge invited Mr. Walt Lange to open discussion.

Mr. Lange explained that he felt that a lot split was approved by the Fulton County Regional Planning Commission when it was an improper split and did not follow Swancreek Township's Zoning Code. Mr. Lange asked Mr. Brown to explain how the Plan Director can approve a lot split that does not comply with Swancreek Township Zoning Code.

Mr. Steve Brown passed out copies of Lot Split Review Flowcharts, which explains the order in which lot split criteria need to be distributed to the entities involved for their approval. (See file of exhibit) Mr. Brown stated that Fulton County has adopted the flowchart through the Regional Planning Commission and Ohio Revised Code #7-11- subdivision for the unincorporated area of Fulton County. Mr. Brown went through all the steps that a lot split request must go through before it is approved; one being that Swancreek Township receives a copy of the proposed split. The Planning Commission then has 7 days (State Mandated) to complete the application after it has been reviewed by all entities; Planning Director, Auditor, Health Dept., Township Trustees, Engineer, Planning Office, etc. All of the entities may "flag" a split if it does not meet codes for their department. Mr. Walt Lange asked Mr. Brown to explain what constitutes a "flag". Mr. Brown gave examples of how a split could be flagged by an entity. If it is flagged it cannot be approved until the issue is resolved. Mr. Brown explained the code of minimum and maximum frontage and acreage and the process of which the property owner must comply. There are a series of reviews the split must go through in order to be approved; Health Dept, proof of water, if there is a well available, soil evaluation, road access, drainage, flood plan, state requirements, zoning regulations, etc. – there are a total of about 30 to 40 requirements.

Mr. Lange asked Mr. Brown if he felt he has the power to interpret Swancreek Township's zoning code. Mr. Brown said that he passes this information on to Swancreek Township Trustees for this. Mr. Lange stated that he emailed Fulton County and told them that this particular split was not interpreted correctly and asked for the Board of Zoning Appeals to be involved and his request was ignored.

Mr. Earl Rowland, Board of Zoning Appeals Chairman, asked for clarification of the split in question.

Mr. Lange explained Tim Kolodziejczyk/Ebraheim property purchase and split to Mr. Rowland and the fact that there was a piece of land left with only 114' frontage, leaving it unbuildable and can never be a stand-alone parcel. Tammy Mull, Fulton County Regional Planning Commission, explained that the land became apart of Mr. Ebraheim's farm. Walt Lange disagreed stating that it is not "continual" frontage, that it needs 150' frontage and cannot be left at only 114'. Earl Rowland stated that it would fall under Non-Conforming Law. The Board of Zoning Appeals looked at the split map. Tammy Mull explained that it is all adjoining land and that after the property was combined it has 250' frontage. Mr. Lange explained that the split should have 2 points property of which the split will be assessed, not 4 points. The property goes around Mr. Kolodziejczyk's, leaving a "dead" area and asked what if Mr. Ebraheim wants to split off that part in the future. Tammy Mull explained to Mr. Lange that the property would never get approved in the future because it doesn't meet the requirements.

Earl Rowland agreed that it does create a "thumb" of property, however, because it is contiguous property the Board of Zoning Appeals would have had to approve it also. Property that touches acts as one parcel if owned by the same person. Mr. Joe Kahl stated that if Ebraheim didn't purchase the property the split could have never happened.

Mr. Brown affirmed that this is why he gets input from Swancreek Township and refers splits to the Trustees.

Trustee Ruge agreed that it is in the best interest to always work together.

Mr. Rowland questioned as to who set the 7 day turnaround rule. Mr. Brown told him Ohio State.

Mr. David Smith, Board of Zoning Appeals Alternate asked Mr. Brown if there is any way to automatically flag splits that are in Swancreek Township in order to allow time for evaluation. Mr. Brown said it cannot be flagged unless there is a particular issue with compliance.

Chris Lauch, Administrative Assistance, asked Mr. Brown if the F. C. RPC could send the proposed splits out directly to the Zoning Board and the Board of Zoning Appeals members to get the split proposals to them in a timelier manner. Mr. Brown said that would take too much time from their office, as they already send them out to many departments and that is why he sends it to the Township Office as soon as he receives them.

Trustee Randal Ruge suggested a contact rotation. Chris Lauch suggested sending them to only the Chairmen of the boards to have them evaluate and if need be, distributed, as the 7 days isn't ample time to get the information out to everyone via postal mail and that not everyone has email or faxes.

Mr. Lange said the parcel should have been bought before the split. The land will not be sellable in the future and said that the Planning Commission should have gotten it approved or input from the BZA first.

Earl Rowland reiterated that the BZA would have approved this split also because the property is connected. **To avoid this in the future the Resolution would have to be worded to not allow "orphans".**

Mr. Lange asked if it could be mandatory for the splits to be sent to the BZA for interpretation and if that could "flag" it to get it held up until there is ample time for consideration. Mr. Brown said he has sent several to the BZA in the past for approval or input if it was questionable as to Swancreek Township's Resolution or a Major Subdivision.

**Mr. Kahl said the regulations need to be changed from *contiguous* to *continual* property and that there is a need for clarification of the language. Earl Rowland agreed.**

**Trustee Randal Ruge stated that the Zoning Board would have to set forth a recommendation of change to the Resolution for any language to be changed.**

Mr. Rowland stated that the fastest way to communicate with the Boards is electronically.

Mr. Lange asked if there were any cases where the Zoning Board had to sign off of splits before approval. Mr. Brown said yes, in the case of Major Subdivisions everyone has to sign them.

Cheryl Chapa asked why the Trustees were involved in a requested lot split by her in an area that is not zoned by Swancreek Township. Trustee Holdeman stated that the Planning Commission takes care of splits that are not regulated by zoned areas and that they notify the Board of Trustees for all lot splits in Swancreek Township, whether they are zoned areas or not. The proposed lot split has to go in front of their variance committee because it does not fall under the Counties regulations due to the lack of frontage being under 150'. Cheryl Chapa said Swancreek Township cannot put a stop to it because it is NOT zoned. Trustee Holdeman said it is subject to County Regulations.

Trustee Ruge gave an example of a two-dwelling variance that was approved where there was a hardship situation and a trailer was allowed to be temporarily put on the property. He explained that after the demise of the family member in need, the trailer had to be removed.

Cheryl Chapa explained her property and how and why it is to be split up by her family.

**Chris Lauch will set up a Zoning Board meeting for July and notify all board members as to the date and time.**

**Old Business:**

Trustee Holdeman announced the dates and times for the Wylie Contempt and Permanent Injunction hearings. No discussion was had. The announcement was made because Swancreek Township Administration Office has received numerous phone calls in regards to these dates and times, as well as complaints.

Trustee Randal Ruge motioned to adjourn meeting, 2<sup>nd</sup> by Trustee Ronald Holdeman

Meeting adjourned: 8:10 p.m.

**Swancreek Township Board of Trustees:**

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Ronald Holdeman Chairman	Phil Wiland Vice Chairman	Randal Ruge Trustee

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Attest: Dawn Wheatley, Fiscal Officer

Entered: July 2, 2007