

Swan Creek Township

Zoning Commission Meeting

Record of Proceedings

Wednesday, January 13, 2010 (Cont. of 12-9-09)

Meeting was called to order at 6:04 p.m. by Chairman Walt Lange

Roll call was taken by Chairman Walt Lange

Roll ~ Walt Lange, Chairman, - present, Joe Kahl, Vice Chairman, - present, James McConkey - present, Robert Westmark - present, Sally Wylie - present

Bob Westmark motioned to nominate Walt Lange for Chairman and Joe Kahl for Vice Chairman, a second was heard from Jim McConkey.

Roll Call - Walt Lange - yes, Joe Kahl - yes, Bob Westmark - yes, Sally Wylie - yes, Jim McConkey - yes

Township Officials & employees present: Trustee Leu, Walter Hallett, III, Zoning Inspector & Christine Lauch, Administrative Assistant.

Visitors: See sign in sheet

A. Article 100-8.3 (#11) Manufactured homes, due to family hardship - can other residential structures be permitted on parcels smaller than five (5) acres? Or Variance only? :

The board discussed regulation, due to hardship, of Condition Uses and structures in AG/RE districts with less than five acres:

Walt Hallett spoke of manufactured homes being used as structures, due to family hardship. He has had a few violations lately that required Variance hearings. He gave example of structures also being converted into living space, due to the poor economy and again, hardship, on parcels smaller than 5 acres. The current language gives the Board of Zoning Appeals the authority. The Zoning Permit is automatically denied.

His inquiry was whether the Board would like to evaluate the need for five acres or keep current language, which requires a Board of Zoning Appeals hearing for approval of the structures. The Board of Zoning Appeals can conditionally grant the Variances, for example; the structure must be removed after the passing of an ill parent.

Mr. Hallett also stated that manufactured homes have to meet State requirements, per our zoning resolution. Walt stated the requirements for a Conditional Use permit.

The Board makes no proposed amendments at this time.

The Board discussed The Ohio Attorney General's (OAG) opinion letter dated 10-20-2009 given to Walt Hallett by the Fulton County Prosecutor for review, specifically ORC 519.21 (A), which speaks of the regulation of free-standing signs in agricultural exempt situations when there is no home rule.

Walt Hallett wanted to know if the Board would like to incorporate the ORC changes into our zoning language. The township cannot regulate the size of these signs. Joe Kahl stated that blight is not desirable. Walt Lange discussed obstruction of view safety issues. Walt Hallett told the board there are also situations of sign placement on other parcels not related to the sign or agricultural exempt parcel. The board feels this language needs to be evaluated.

Trustee Leu questioned no discussion of Item: B, 1-3. The board will review the OAG further; including Item: B, 1-3 on the attached Agenda, work on their suggested language

individually, and discuss each member's considerations and individual recommendations at the next public meeting on February 10, 2010.

C. Article 100-8.2 (#10) Ponds (For Residential Use Only)

The Zoning Resolution currently does not have any setback requirements from a dwelling.

Sally Wylie stated she felt this would be the builder's, insurance company's, architect's, or the engineer's responsibility to establish.

Joe Kahl stated the home owner needs to ensure setbacks for proper drainage.

Walt Hallett stated he gives no suggestions or advice pertaining to setbacks of ponds when he is asked.

There are no current issues. The board made no suggested amendments at this time.

**D. Article 100-5.2 (#18) Nuisance Factor
Should only apply to business uses or to both residential and business alike?**

Mr. Hallett gave example of receiving a complaint based on the smell and storage of manure. Walt Lange stated this Article is under General Provisions and that it pertains to all zoning districts. Joe Kahl agreed that the General Provisions Article is all encompassing of zoned areas.

The Board made no suggested amendments at this time.

The Board discussed Article 100-5.2 #9 on the Agenda and in the Minutes of the 12-9-09 meeting. Sally Wylie asked for clarity of the discussion. The board stated that simple repairs are fine, for example a replacement of a board on a fence, however, a Zoning Permit shall be required for a teardown/rebuild situation unless the Zoning Inspector is called out to declare the structure unsafe.

Bob Westmark motioned to accept 12-9-09 Minutes, 2nd by Joe Kahl

Roll Call - Walt Lange - yes, Joe Kahl - yes, Bob Westmark - yes, Sally Wylie & Jim McConkey abstained due to absence of that meeting.

Bob Westmark motioned to adjourn the meeting at 7:20 p.m., Jim McConkey 2nd the motion. Roll Call - Walt Lange - yes, Joe Kahl - yes, Bob Westmark - yes, Sally Wylie - yes, Jim McConkey - yes

Zoning Board Approval of Minutes:

Walter Lange, Chairman

Joe Kahl, Vice Chairman

Sally Wylie, Board Member

James McConkey, Board Member

Robert Westmark, Board Member