

**Zoning Commission Meeting**  
**Wednesday, December 10, 2008**  
**~ WORKING MEETING NOTES ~**

The working meeting was called to order at 6:00 p.m.

Roll Call was taken. Board members present: Joe Kahl, Sally Wylie, Jim McConkey, Bob Westmark, and Walt Lange.

Employees present: Walter Hallett, III, Zoning Inspector

Trustees present: Jim Leu

Visitors: Steve Brown and Darren Gramling

**Zoning Resolution –Board approval of highlighted changes & list of proposed amendments**

The board discussed and approved the “mock” Zoning Resolution with all the changes that are highlighted.

**Outdoor Furnace Zoning Resolution**

Sally’s suggestions as highlighted in green and red were accepted with the following change: Item 2 d. is to read as follows:

“Any Outdoor Furnace device shall have a chimney stack installed according to the manufacturer’s specifications. The smoke discharge shall not be a nuisance factor to neighboring properties or be a danger to the property right of ways.”

**Agricultural Exempt Application Fee**

The board discussed this in great length with the following points being made:

1. Ohio Revised Code indicates that agriculture is exempt from zoning.
2. The township has a permit application for agricultural exempt accessory buildings that in essence documents that the structure is indeed being used for agricultural purposes. If the use changes then the building is subject to the provisions of the zoning code relative to the placement of accessory buildings on a parcel.
3. The zoning board has no jurisdiction over the fees charged for various permits. Permits fees are a function of the Township Trustees.

**Twinplex/duplex**

The board reviewed the “Prosecutors 8-26-08 Legal Opinion” dated 8/26/08 and came to the conclusion that the key phrase is found in the following sentence:

*“Consequently, if in your opinion these structures are not in compliance with the Zoning Resolution, and never have been, you are ...”*

The twinplex/duplex structures were all built at a time when they were permitted by the zoning code in use at that time. The zoning commission is of the opinion that these structures can not be considered a nonconforming use under the current code.

**Statehouse News wind turbine rules - email from Walt Lange**

This was sent as an information document and really does not affect the language we plan to adopt. Steve Brown discussed a presentation he made on November 19, 2008. It was a

discussion of the regulation of wind turbines via zoning codes. He indicated that our proposed regulations are OK as written.

### **Setback definition**

Walt Hallett suggested we delete the word “~~excluding~~” and replace it with “including”. The board agreed that this should be changed.

### **Pond Permit Application**

The draft of the pond permit application was approved.

### **Noise Regulations**

The board discussed this at length and approved the following.

In ARTICLE 100-5 Section 100 5.2 Scope insert an item 18 as follows:

18. No activity, operation, or use of land, building or equipment of any use, as established in this district, shall produce or create dangerous, injurious, noxious, or otherwise objectionable, fire, explosive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, glare, electrical or other disturbance, liquid or solid refuse or waste; such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing hereinafter shall be referred to as a “nuisance Factor”. All applicable federal, state, and local regulations shall be adhered to.

### **Rezoning Districts in Twp (AG/RE to R1)**

A set of maps were distributed at a previous meeting. Steve Brown mentioned the county Geographic Information System (GIS) which is where our maps came from. We need to review them and decide what data we want to show on the maps.

### **2009 Meeting Schedule**

The board had a brief discussion on when to meet. It was pointed out that the Zoning commission only needs to meet in order to make recommendations to the township trustees for changes in the zoning code. We have been meeting monthly for quite awhile working on changes to the code. After that we only meet on an as-needed basis.

We will continue to meet on the 2<sup>nd</sup> Wednesday of each month until we finish the job.

The first meeting for 2009 needs to be an official meeting – NOT a working meeting so we can make the changes we have worked on. Then we need to hold a public hearing on the changes and recommend them to the trustees.

Meeting adjourned at 8:35 P.M.

Walt Lange – Note taker.