

# *Swan Creek Township*

## *Zoning Commission Meeting*

### **Record of Proceedings**

**Wednesday, April 14, 2010**

Meeting was called to order at 6:00 p.m. by Chairman, Walt Lange

Roll call was taken by Chairman, Walt Lange

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

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

Agenda Attached

Visitors: See sign in sheet

Bob Westmark motioned to approve 1-13-10 Minutes, 2<sup>nd</sup> by Sally Wylie

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

This meeting was a continuation of the 1-13-10 meeting. The rest of Mr. Hallett's proposed language amendments were tabled.

The Board discussed Ohio Attorney General, Richard Cordray's Legal Opinion No. 2009-041 regarding regulation of signs incidental to agricultural purposes on lots greater than five acres. (Reference ORC 519.21)

Walt Hallett, Zoning Inspector, inquired as to the regulation of a sign placed on a parcel that is not agriculturally exempt for a property that is. Bob Westmark referred to a portion of Mr. Cordray's letter (Attached) on page 3, which reads: "if the sign is a structure incidental to the use for agricultural purposes of the lot on which the sign is located." Mr. Westmark is of the opinion that this language gives protection that the sign will be on the agricultural parcel, incidental to its agricultural purpose. Walt Hallett stated that the Township's Zoning Resolution does not have any language pertaining to this issue, except the regulation of pole signs. Walt Hallett gave an example of a situation on Airport Hwy. where, O.D.O.T. (Ohio Department of Transportation) had to regulate. The Board discussed the definition of a pole sign that is elevated. The Board discussed sizes of signs permitted and who is exempt from regulation.

The Board discussed Item B. on the Agenda regarding the portion "platted subdivisions". Walt Hallett asked if the Board felt the Township should incorporate everything in the OAG's Legal Opinion into the Zoning Resolution.

The Board discussed Item B. #1 on the Agenda. Walt Hallett's question was if the Board felt the Township's Zoning Resolution seems to comply with the OAG's Legal Opinion. The Board referred to the Township's definition of Agricultural (page 88). The Board finds no issue.

Since the Zoning Board's last continued meeting, Walt Hallett submitted a suggested language letter for review, of which he also requested a legal opinion from the Fulton County Prosecutor. Walt Hallett explained his suggested language; O.R.C. vs Township Zoning Resolution. The Board discussed what the current Zoning Resolution has. Trustee Leu spoke of issues of the need to separate the use of the structures in AG/RE districts because the Township has agricultural exemptions in residential districts. Trustee Leu referred to the lot sizes. Walt Hallett stated if the permit is an agricultural exempt permit it cannot be regulated, ie: setbacks etc. The Board discussed the difference between structure and accessory building definitions.

The Board discussed "grandfathered" uses of structures permitted for specific uses. Walt Hallett said if the suggested language were implemented, if the use of the structure changed, and he received a complaint, he would have the ability to find them in violation of a use change. If the property was sold and the use changed, the new owner would have to obtain a zoning permit for the change in use.

Public Utilities were discussed. Walt Hallett's suggested language covers them. The Fulton County Prosecutor told him that if the State is involved it is for public use. He gave example of an overpass project on Hallett Ave.

- Bob Westmark motioned to approve the suggested language to revise Article 100-5.2 with the editorial changes. A 2<sup>nd</sup> was heard by Joe Kahl  
~Roll Call - Walt Lange - yes, Joe Kahl - yes, Bob Westmark - yes, James McConkey - yes, Sally Wylie - yes

Sally Wylie questioned if Item B #3 was covered. The Board agreed that the language is sufficient because of paragraph #3 of the suggested language. There would be no need for an Ohio Livestock Care Standard Board.

Trustee Leu wanted to ensure that zoning has the support needed from the nuisance factor definition for off road vehicle situations. The Township has received several complaints. He stated that new legislation is upcoming that will help; however, he wants to make sure there is enough reference in the Zoning Resolution to ensure the ability to regulate it. Walt Hallett stated the Articles he would site for a violation of this matter if he receives any citizen complaints.

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

### **Zoning Board Approval of Minutes:**

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Walter Lange, Chairman

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Joe Kahl, Vice Chairman

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Sally Wylie, Board Member

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James McConkey, Board Member

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Robert Westmark, Board Member