

Swan Creek Township

Zoning Commission Working Meeting Notes 8-13-08

Meeting called to order at 6:01 p.m. by Chairman Walt Lange
Roll call was taken by Chairman Walt Lange:
Roll ~ Chairman Walt Lange - present, James McConkey - present,
Robert Westmark - present, Sally Wylie - present - Joe Kahl - present 6:10 p.m.

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

Guests: Steve Brown, FCRPC, Darrin Gramling

Zoning Inspector's Suggestions:

#1. 100-5.3 Accessory Building in Residential and AG/RE Districts

Strike: except as otherwise permitted in this resolution

#8. Twinplexes and duplexes.

The Zoning Inspector and the Board discussed twinplexes and duplexes. Walt Hallett stated these structures either need to be principally permitted in the resolution or a petition needs to be signed to rezone the areas they are currently in, however, new structures would be denied and forwarded onto the Board of Zoning Appeals for the lack of public sewage and water, if it is not there. The

Board of Zoning Appeals could then conditionally grant the structure by the Standards, being harmonious with the area, or the Zoning Board can give provision in the resolution to make them legal in the Principal Permitted use sections stating they are permitted if constructed before "such date".

These structures are currently non-conforming structures and are technically in violation of the Zoning Resolution.

Steve Brown said they are all grandfathered in because they were all built about 30 years ago. The Board discussed the language and word 'grandfathered'.

Walt Hallett said the provision could be placed in the non-conforming use of structure section.

- Walt Lange instructed Chris Lauch to get a Legal Opinion from the Fulton County Prosecutor and to also research when the structures were considered legal structures by going back through the old versions of the Resolution. #9 & #13. Industrial Performance Standards - (M1 & M2 Districts)

Walt Hallett stated that he has no ability to register any complaints about what is offending a neighbor. Steve Brown said EPA and State regulate the industrial districts through their standards. He gave an example of a case when the county took pictures, with the date, and turned it over to the EPA. He said that the county has not had much issue with it.

Walt Hallett questioned the Board as to if they felt it should be regulated by local government or state entities. He stated that he can only refer to a definition (Nuisance Factor) in the resolution, he cannot enforce a definition.

- Steve Brown will get some language for the Board to be placed in 100-16.3 or create an Industrial Nuisance Standard paragraph. Walt Lange stated it should be placed in all district articles.

#11 & #12. M2 District 100-17.2 #5 Mineral and soil extraction, storage, processing and manufacturing.

Walt Hallett said these original permits should be kept on file for further repercussions. The resolution only regulates pre-mining. There should be a requirement to inform the township of any changes or alterations to the original permit.

Page 64, Addition: #6. Any amendment or alterations to the original approved operation shall be submitted to the township.

#14. 100-18 Min. Lot Size - keep 30' from center line - no changes. Steve Brown said we do not have the authority to regulate proposed, not owned right-of-ways. The right-of-way is not included in the lot size.

#15 Footnotes -

(a) strike residential and industrial. Making it read all districts.

#16. 100-20.1

Add 6th paragraph: The Zoning Inspector is responsible for implementation and enforcement of the Swancreek Township Zoning Resolution.

Change to 2nd paragraph: The Zoning Inspector shall record all nonconforming uses pursuant to Article 100-6.7, non-conforming use validation certificates, existing at the effective date of this Resolution for the purpose of carrying out the provisions of Article 100-20.

#17 "exclusive of the right-of-way -

The Board discussed if the right-of-way = 30' from the center line, as being excluded in the acre. Walt Lange thought the Health Department wanted a net of one acre, excluding the right-of-way. Chris is to get a definition.

#18 "Manufactured Home" definition

Chris is to check ORC to see if the definition in our resolution is up to date and correct.

Walt Hallett said the resolution refers to certification & safety standard tags & labels. He referred the Board to the Ohio Township Association - OTA newsletter which states "Before any manufactured home or relocation manufactured home can be legally occupied, inspections must be performed by OMHC approved and certified inspection agencies and inspectors. There must be three inspections before the manufactured home will be approved for occupancy, which are the following:

1. Footing Inspection
2. Electrical Service Inspection
3. Final Inspection.

Walt Hallett would like documentation of these three inspections turned into the township.

- Chris is to check with Steve for language consideration.

- Chris to get Outdoor Furnace language of standards for variables from Steve. Outdoor Furnace Facts to be put on next Agenda

Solar Energy is to be put on Old Business for the next meeting. The Board was given information from Steve Brown, Regional Planning Commission to review.

Pond information tabled until next meeting.

Definition of fencing is to be put on the next Agenda.

Working Meeting Notes

Minutes to be approved at the next Regular meeting.

❖ Adjourned 8:09 p.m.