

Swanecreek Township
Zoning Commission
Working Meeting Notes
9-10-08

Meeting called to order at 6:02 p.m.

Roll call was taken by Chairman Walt Lange:

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

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

Visitors: Steve Brown, Fulton Co. Regional Planning Commission, Darrin Gramling

Pond Drainage & Pond Permit/Requirements

The Township received a Legal Opinion from the Assistant Fulton County Prosecuting Attorney, Paul Kennedy after Walt Hallett, Zoning Inspector, requested the language of Article 100-8.3 of the Resolution be reviewed. Walt's main concerns are drainage issues. There needs to be an adequate ditch to divert the overflow water to.

Mr. Kennedy gave suggested amendment language. (Attached)

Walt Lange asked Steve Brown about Fulton County's pond permit and their requirements. Steve stated the County charges \$50.00 for their permit. The permit goes to the Fulton County Engineer, who makes his recommendations and ensures the requirements are followed.

Sally Wylie questioned Article 100-8.2 #10 (g). Which states: *any further improvements to an existing pond shall conform to the setback requirements of this resolution.* Sally asked if someone were to make improvements to their pond, do they have to change existing setbacks that were approved at the time of construction, but are no longer valid in the current resolution? Steve Brown said as long as the property owner isn't altering or expanding the pond the setbacks would be ok. Trustee Leu said that is not the intent of the resolution to make someone change something that doesn't need rectified. Walt Hallett agreed stating that maintenance is not an issue.

Walt Hallett would like to adopt the Fulton County's requirements under 100-8.2 #10 "Ponds" and would like the Township to have the ability to get the recommendations of the County Engineer.

Steve Brown and Chris Lauch will work on a comparison check of the current resolution and the County's requirements to get some proposed language.

Jim McConkey asked Steve about public safety issues regarding ponds not being required to have a fence around them. He said it would be in the best interest of the property owner for protection to require fencing or a sign.

Darrin Gramling said he feels that no matter what is around, or posted, if someone wants to enter the pond they will find a way.

Solar Energy

Steve Brown handed out an informational packet at the last working meeting.

The board discussed the issue of sun/air access issues where it pertains to a property owner's trees blocking panels and obstructions. Walt Hallett said that if an obstruction occurred it would be a civil matter.

Walt Hallett stated it would be best to regulate them as structure with the current setback requirements. Steve Brown said they should be regulated as free standing unit accessory structures. The township will not regulate the ones placed on roofs, they will be treated as roof material.

Jim McConkey asked how much space the units take up. Steve Brown said the technology has greatly improved. He doesn't see many in yards any more.

Sally Wylie felt that zoning should pay close attention to extended uses.

Agricultural exemptions were discussed. Steve Brown referred to the Comprehensive Plan that can be found online.

Chris will get with Steve to work out some simple language for them as accessory structures.

Fence

Sally Wylie provided the Board with research she did on fencing material and requirements. She gave the Board a copy of a Fence Code from the City of Shawnee as an example.

Steve Brown said we have no definition in the back of the resolution and it should be added.

Walt Lange stated that at the last meeting the Board decided to eliminate letter (c) of Article 100-5.4 #2 and that a definition of materials needs to be placed in this article of the resolution.

Jim McConkey also did research with other townships and counties. He passed out an example of language for fences in residential areas. Mr. McConkey feels that the Zoning Commission needs to take an aggressive and specific approach to the type of materials that can be used for fences. He gave example of fences being constructed with car doors and 55 gallon drums. He said the zoning code has to be severe and precise because of the blight issue.

Sally Wylie suggested the resolution state the material for fences shall be purchased from fence supply companies.

Walt Lang instructed to (eliminate c as planned) add an item "E" labeled "Materials" and add the description provided on the City of Shawnee code, changing the words "building official" to Zoning Inspector and the word "chapter" to resolution - *"All fences, regardless of whether or not a permit is required for their construction, that are constructed, repaired, expanded, or enlarged, shall be constructed only of approved fence materials. Approved fence materials shall mean materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, masonry, concrete, stone, chain link, metal tubing, wood*

planks, and vinyl or fiberglass composite manufactured specifically as fencing materials that are approved by the Zoning Inspector. Approved fence materials shall be approved for exterior use and shall be weather and decay-resistant. The Zoning Inspector is authorized to evaluate proposed fence materials and to determine if the proposed material is satisfactory and complies with the intended, at least the equivalent of that prescribed in this resolution in quality, strength, effectiveness, durability and safety”.

Jim McConkey said we should also add item F of the City of Shawnee’s code, which would become Item F of Article 100-5.4 of the resolution, which states “no barbed wire fences shall be allowed in the residential zoning districts, unless the owner of property has a valid livestock permit, or the planning commission has approved a site plan which includes barbed wire fencing for security”.

Mr. McConkey also suggested we include “no electric fences shall be used”

The Board discussed decorative fencing needing a permit. Chris said the township receives questions regarding small decorative fencing. Walt Hallett said that he would consider them landscaping.

Non-Interrupted Continuous Frontage

The Board discussed the purpose of amending the resolution, placing “non-interrupted continuous” frontage in the resolution.

Trustee Leu gave example of the recent Board of Zoning Appeals Young case (corner of Co. Rd. 1-2 & EF). The Young’s had been denied a zoning permit due to a proposed lot split not meeting this criteria. The existing lot would have become interrupted, therefore, making it in violation. Trustee Leu doesn’t feel these words should be in the resolution and does not feel a resident should have to go before the Board of Zoning Appeals for a lot split like this.

Sally Wylie gave an example of a farmer owning 1000’ frontage. She said the farmer would have to build a home at the end of his property frontage line. She didn’t feel that was right.

The Board could not agree on the language. Chris will put this on the Agenda for the next Regular meeting so the Board can vote on amending the language.

Walt Hallett asked Steve Brown why the resolution says “all parcel splits (20 acres and smaller)”?. Steve Brown said it comes under County Subdivision Regs. The Planning Commission doesn’t see any splits over 20 acres; these are reviewed by the Fulton County Auditor and Engineer.

Walt Lange said to take out 20 acres and smaller in 100-8.4 in all the Area, Height & Bulk Articles for all the districts in the resolution. Mr. Lange feels non-interrupted continuous frontage should be left in.

Twinplex/Duples

After reviewing research of past resolutions, Mr. Lange explained that these structures were permitted in the Residential District at the time of their construction. Walt Hallett stated that even if these were legal at the time of construction, they are still in AG/RE districts; therefore, they are non-conforming uses, because there is no provision for them in this district according to page 36

#9 of the R1 Article 100-10 in the Zoning Resolution. Walt Hallett has already submitted a request for a Legal Opinion. The Board will wait until the Township receives that Legal Opinion. This item will be put on the next Agenda for further discussion.

Adjourned 8:27 p.m.

Old Business:

7-30-08 Working Meeting Notes

8-13-08 Working Meeting Notes

9-10-08 Working Meeting Notes

6-25-08 Minutes to be approved at Regular Zoning Commission meeting

Outdoor Furnace Resolution

Mfg. Homes definition

List of Proposed Amendments

The next working meeting is October 8, 2008.