

Swan creek Township

Zoning Commission Meeting

Working Meeting Notes

February 11, 2009

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

Roll call was taken by Chairman Walt Lange

Roll ~ Walt Lange, Chairman, - present, Joe Kahl, Vice Chairman – present, , - 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

➤ Bob Westmark motioned to approve the 1-28-09 Minutes, Sally Wylie 2nd the motion.

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

The Administrative Assistant presented an official certification to forward the proposed amendments to the Board of Trustees. The board signed the document.

This meeting was called to discuss redistricting some zoned areas in the township from AG/RE to R1 districts.

The board discussed the rezoning of districts in great length. Chairman Lange asked if there was an issue, identifying a concern for the need to redistrict a particular area. Peaceful Valley was given as an example, as it is currently non-conforming due to its district. Sub-divisions were also discussed that are not currently R1 districts that should be. Walt Hallett referred to the subdivisions that are not districted correctly, for example Lee High Dr. is an R1 district, however, Glen-Mar is not.

Joe Kahl mentioned that the Village of Swanton just partook in redistricting some areas where it was logical.

Sally Wylie asked what the benefit would be. She feels that in order to redistrict or rezone any area it should be given to the people for a yes or no vote as to what they desire their area be. Sally asked Walt Hallett the difference between and AG/RE and an R1 district. Walt referred the board to 100-18.1 Area, Height, Bulk and Placement Regulations. He also explained that R1 districts give the ability for more protection.

Sally had concerns of the requirement for public water and sewage. Jim McConkey mentioned that in Peaceful Valley some of the leach fields are located or encroaching on adjacent properties because the lots are very small. The board discussed Peaceful Valley still being a non-conforming property even if it were to be rezoned an R1 district. Walt Hallett stated that it would be more conforming than it is now.

Sally asked about new development when it pertains to the requirement of water and sewage. She asked about a development that could possibly have some residents that want city water and some that do not. Joe Kahl stated that it would be a situation like Winding Way where the water is available, but the residents do not have to tap into it.

The board discussed Home Occupations as non-conformities. Joe Kahl stated he is not against redistricting areas as long as there is no harm done, however, he doesn't see the need for it. If home occupation are disruptive due to traffic, etc. they need to be looked at closer.

Walt Lange referred to 100-5.8 #6 and said they must meet the requirements.

Trustee Leu said they also should be handled the same as a violation; by a written complaint.

Trustee Leu read Article 100-6.7 #4, 2nd paragraph:

After the adoption of this resolution, or any amendments thereto, the Zoning Inspector shall prepare a record of all known nonconforming uses and occupants of land, buildings, and structures, including tents and mobile homes, existing at the time of such resolution or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Township Zoning Inspector.

Trustee Leu said this is meant to establish a baseline of existing non-conformities and should just simply be put on a reference list of record at the Township. Trustee Leu does not agree with continually charging \$30.00 a year for the certificate/application. If after 2 years, the use changes and became in compliance, it would be removed from the list.(100-6.3 #2) *If any such nonconforming use of land ceases for any reason for a period of more than two (2) consecutive years, such land shall conform to the regulations specified by this resolution for the district in which such land is located.*

The board also stated that the non-conformity stays with the property, even if there were new owners.

The board discussed non-conformities being legal if they were legal at the time of construction. Bob Westmark said they are grandfathered in. Any new construction of non-conformities would not be covered under pre-existing situations.

Joe Kahl stated that there would be no reason to redistrict an area if it didn't have a direct effect on the areas that already exist.

Trustee Leu spoke of the Fulton County Regional Planning Commission's responsibility for taking care of taking a look at districts.

Sally Wylie also had a concern about Article 100-5.6 One Lot, One Building which reads:

Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building and the customary accessory building on one (1) lot as otherwise provided, in conforming with the provisions of this resolution.

Sally inquired about it referring to one main building and one accessory building. She said she interpreted that to mean only one accessory building was allowed. Walt Hallett referred her to the 100-23 Definitions, Principal Permitted Uses and Maximum Ground Coverage Area By all Buildings in Percent of Lot Area 30%.

- Bob Westmark motioned to adjourn the meeting, Sally Wylie 2nd the motion.
- Roll ~ Walt Lange - yes, Joe Kahl - yes, Sally Wylie - yes, Jim McConkey - yes, Bob Westmark – yes

Meeting Adjourned: 7:38 p.m.

Next meeting will be on an "as needed basis".

Zoning Board Approval of Working Meeting Notes:

Walter Lange, Chairman

Joe Kahl, Vice Chairman

Sally Wylie, Board Member

James McConkey, Board Member

Robert Westmark, Board Member