

## SCIOTO TOWNSHIP ZONING COMMISSION – May 17, 2016

A special meeting of the Scioto Township Zoning Commission was called to order by Tom Weatherhead 7:00pm. The following members were present: Weatherhead, Hamilton, Jahn, Roese, and Fisher at 7:00.

Roese motioned suspending reading of minutes of June meeting. Fisher second. Vote: Hamilton – yes; Weatherhead – yes; Roese – yes; Jahn – yes; Fisher – yes. Motion carried.

Weatherhead provided letter from Brosius, Johnson and Griggs prior to draft O District Resolution asking if Zoning Commission is doing what should be done. ORC 703.21 handles this issue. Desire to avoid unnecessary zoning and avoid potential legal issues.

Kulich wants to establish equity between all residents of the township and initial option by Brosius was to make everything an R-1 which isn't fair to current R-1 lots. Also noted creating non-conforming status causes financing issues with lenders. Hamilton suggested input from zoning inspector to confirm specific setbacks. Jahn asked what was happening now. McFarland noted zoning code does not provide any direction for the enforcement of zoning in the former village now.

Struckman mentioned that ORC supersedes zoning and Brosius R-1 was the original intent and concerned that we're not following the law. Weatherhead wanted to make sure everyone was informed of the Brosius letter and all in agreement moving forward. Roese agreed with Rick's assessment of Brosius letter of what he thought could be done back in September. Hamilton noted Brosius letter follows ORC and Jahn suggested that we're following ORC by amending our resolution to accommodate differing setbacks. Struckman stated initially everyone would need to come in for a variance because the way the law is written, the village would need to adopt our current resolution. Reidy said amending our current resolution better reflects the needs in Orient and is allowed in ORC. Kulich said our resolution has standing because we'll have development standards that apply. Even though residents didn't create hardship, creating conforming standards to their current situation will support the BZA in granting variances more equitably.

Weatherhead said zoning commission makes recommendation on amendment, and then goes to Trustees for their approval. Kulich said if we do nothing and they have to fit our rules, we're hurting them. Kulich noted this is new territory and Weatherhead wanted to make sure everyone was fully aware and asking if we're doing the right thing according to ORC. Hamilton affirmed we are.

Swisher asked if % could be used rather than definitive setbacks. McFarland confirmed these could be met since original intent of village of Morgan was a platted subdivision. Reidy said that once the Village chose to join the township, they chose to be zoned under the township. We're following ORC but ignoring the attorney general's opinion that the former village needs to vote on zoning.

McFarland noted when vendors call requesting zoning information; we have nothing to tell them. Kulich asked how much of old code was used in Brosius draft. Hamilton noted 40% of lots to have existing structures.

Archer to be informed after guidelines decided by boards. Jahn suggested we were advised by Pete Griggs not to pursue nuisance properties like junk yard under zoning but through ORC 505.87 and 505.86 and that Trustees could declare nuisances and to try to not write zoning code specific to property. Kulich stated could be perceived as a "taking". McFarland noted similar violations being pursued in township and would feel obligated to follow identical nuisances procedures. Kulich said if township initiates rezoning property, it doesn't necessarily change use, but changes zoning. Boards requested clarification between use pertaining to land vs. use pertaining to structures.

Kulich suggested to clarify #5 expansion or conversion of single family. McFarland inquired if township wants to continue allowing conversion of single family to multi-family to occur in the O District. Jahn asked for clarification about abandonment with regard to multi-family structures which are vacated over 2 years.

Roese, Jahn and Hamilton concurred that multi-family lots can be developed and our code should reflect protecting the township. Reidy mentioned if multi family now, multi family then but if single family now, after new zoning code, will need to apply for variance. McFarland stated that conforming O District lots who wish to become multi-family and meet R-2 or R-3 will rezone. Consensus to move multi family from permitted to conditional. Kulich mentioned making sure there is governance for vacant lots that would choose to go multi family.

Hamilton asked criteria that determine use includes paying property taxes. Swisher said clarity is needed to determine how far back to go on uses. Kulich asked process to enforce screening from section C on outdoor storage. McFarland noted screening is relative to storage, like junk vehicles not the structure and Hamilton noted that nothing is mentioned about outdoor storage screening. McFarland recommended sending notices to potential violation on screening requirements giving them 1 year to comply.

Roese suggested leaving Agriculture in as permitted use because lots exist in the district that exceeds 5 acres. Hamilton suggested citing 29.01 of our current code to address lots less than 5 acres.

Kulich asked if existing uses are grandfathered, does that mean we have to always permit them in a new situation or can we restrict them in the district going forward. If the township wants to restrict uses existing now, how can we when ownership changes? McFarland suggested certain uses can be moved to planned districts. On empty lots, does resolution apply as is? Reidy recommended there should only be 4-5 permitted uses listed and to clarify if grandfathered existing uses transfer with change of ownership or do they sunset?

General conversation about definition of lake or pond and whether or not to allow as permitted or remove completely. The boards asked McFarland to make noted revisions to draft document and prepare questions to go to Brosius before next joint meeting.

Hamilton motioned to close the meeting, Jahn seconded. Vote: Hamilton – yes; Weatherhead – yes; Roese – yes; Jahn – yes; Fisher – yes. Motion carried.

Meeting adjourned.