

SCIOTO TOWNSHIP ZONING COMMISSION – July 19, 2016

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

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

Rick Kulich called to order the special meeting of the BZA at 7:10pm. The following members were present; Kulich, Lowry, Martin, Braskett, Reidy. JoAnn Swisher arrived at 7:50pm.

Hamilton opened the floor for discussion. Kulich noted the need to clarify the resolution concerning the O District which is or has been known as the former Village of Orient. In this document, we'll refer to it as "O District" in 22.01. Jahn suggested removing it from 22.02. Hamilton suggested to keep 22.01 language but change the rest throughout. General consensus to keep language consistent.

A6 Reidy raised illustration that a feed store is permitted and if it sells, remains feed store. If owners come to township to change use, they will need to rezone to appropriate zoning classification and it will no longer be in the O District.

Roese asked if change from feed store to funeral home would constitute a change of use. Kulich said document only applies to grandfathered existing uses and when uses changed, they are no longer grandfathered. Roese agreed. Feed store may be considered a commercial property but it is grandfathered in the O District and cannot be considered commercially zoned. Once situations change in the O District, they need to meet appropriate zoning. Roese said amendment is being written to protect what is currently there but if they want to change, it must conform to current resolution and come to zoning commission. Hamilton asked if they want to build a house, they must meet standards of Scioto township and not what's in the O District. McFarland commented development standards for the O District will dictate setbacks on new uses or structures.

Kulich asked if the feed store wants to keep changing grandfathered uses can they? Hamilton agreed they would need to come in to get approval. Lowry asked if special uses or ownerships changes, do they have to come in. Martin noted variance approvals have sunset provisions to address changes of ownership. Lowry said O District will have same standards. McFarland noted if someone calls asking zoning classification of the feed store, he'll say it's zoned "O".

Reidy said amendment will put them in the O District unless they choose to zone to something else; or if they want to make a major change; or if what they're doing is abandoned for 24 months, they'll have to come to the BZA for variance or Zoning Commission to rezone. Reidy also said changing from feedstore to gas station may require visit to zoning commission. McFarland said GC would probably be the most appropriate zoning for a gas station. Lowry said Scioto Township zoning takes force and is the "reasonable terms" suggested by counsel. Strong agreement. Reidy said by requiring rezoning of lot to a gas station is not a "taking" and is consistent with how we would respond to any other lot in the township.

A8 – no enforcement of noise or odors

A13 – no comments

A14 – uses transfer with new ownership as long as it's the same use. McFarland asked if changing uses from one grandfathered permitted use to another grandfathered use by the same owner would be allowed.

A15 - Reidy suggested counsel advice to discriminate between grandfathered and future uses. Only grandfathered uses would be listed as permitted. Kulich recommended

guarding against using wrong language that would imply commercial districts. Reidy noted that ALL businesses and uses could only be rezoned if all businesses in multi tenant facility were abandoned for more than 24 months. If only a portion of multi tenant falls outside of the 2 year period, no requirement of rezoning would be necessary because at least one tenant of the multi-tenant remained during the 2 year period.

Jahn asked how this applies to home with an apartment being abandoned while owner still lives in primary dwelling. Reidy suggested as long as owner was still in the multi use facility, after 2 years, apartment could be rented out because property was never vacant, only the apartment. The only exception Reidy suggested was if the owner removed the apartment thereby changing the use then desired to rebuild the apartment after the 2 year period, they would have to seek a rezoning or variance to allow the rebuilding of the abandoned use.

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

Hamilton opened the regular meeting of the Zoning Commission at 8:04pm. Roese motioned to dispense with the reading of the minutes. Jahn seconded. Vote: Hamilton – yes; Roese – yes; Jahn – yes. Motion carried.

Old Business - none

New Business – McFarland noted receipt from Griggs counsel regarding responses to questions raised in previous zoning commission meetings regarding the O District.

Public comment

Ron Hyman resident of Orient was on counsel for years and turned Village over in the black. He was concerned that ordinances that were adopted in the village have been completely abandoned. He mentioned someone placing a building on a property line and no building, plumbing or electrical inspections being done. He also mentioned 5 properties abandoned on Mound Street having overgrown weeds and trees and wondering if township will create appropriate ordinances.

Also mentioned sighting in guns being allowed. Roese concluded purpose of the amendment was to provide support to the former village. Struckman suggested ORC says village should follow current township zoning but zoning commission was asked by trustees to make amendment. Struckman didn't think township could do anything until amendment was passed and suggested Trustees adopt Ohio Revised Code.

McFarland noted Southern Point Meadows are no longer accepting wooden fences but only white vinyl. McFarland noted PURD owner having barbed wire on fence as violation.

Tree in the park has been cut and cleaned up.

9945 Keplar Ford was asked to apply for appropriate zoning for party house at previous compliance meeting.

Roese motioned to adjourn regular meeting, Jahn seconded. Vote: Hamilton – yes; Roese – yes; Jahn – yes. Motion carried. Meeting adjourned.

Hamilton motioned to reopen the special meeting at 8:24 with the BZA. Roese seconded. Vote: Hamilton – yes; Roese – yes; Jahn – yes. Motion carried.

A16 – McFarland noted that any criteria can be considered as findings of fact in determining of abandonment and is discretion of the zoning inspector.

Jahn asked if Orient adopted ordinances would be legally applicable in our zoning code specific to setbacks. Kulich mentioned if zoning code was adopted as a codified ordinance that it might be considered or may not if it was never registered.

Lowry asked Struckman if Trustees could adopt an interim zoning until amendment is completed? General discussion that it would not be easy and may not benefit residents now.

A17 – McFarland clarified that counsel suggested we have authority to require screening or buffering as part of accessory structures. Lowry mentioned the BZA can require screen as part of variance process for accessories that don't meet development standards. McFarland noted having additional accessory structure requirements in the O District does not put township at risk because each District is unique.

A21 – general comments to gather facts

A32 – Lowry suggested we have rules for parking however, the Sheriff won't enforce parking if township doesn't have clear rules. McFarland wanting to make sure current parking code in resolution will apply to the O District. Lowry asked if our parking language causes a hardship to the residents. Hamilton said it's ultimately responsibility for local law enforcement and Lowry reaffirmed need to have written rules.

Jahn mentioned changing use to multi family would require owner to come in under the O District. Reidy said that grandfathered uses don't need to comply with parking even if they expand units. Hamilton wants to leave first sentence in 22.08.B. Lowry said for any new conditions or new uses or permitted uses granted after the adoption of the new amendment, then they are required to comply with parking standards on all relevant uses in the O District.

McFarland requested to confirm AG on lots less than one acre and no interest in writing in buffering or screening on accessories except as it pertains to a variance. Reidy asked to clarify use changes from the O District to other districts that it complies with ORC. Kulich recommended to boards to put in final format then apply the legal test.

Hamilton requested next special meeting 7pm August 16 prior to the regular meeting at 8pm August 16.

Roese moved to adjourn, Jahn seconded. Vote: Hamilton – yes; Roese – yes; Jahn – yes. Motion carried.

Kulich moved to adjourn the BZA meeting, Lowry seconded. Vote: Kulich – yes; Lowry - yes, Martin - yes, Braskett – yes.