

Washington Township Board of Zoning Commissions
June 21, 2010
6:00 p.m.

Vice-Chairperson Jerry Mayfield called the meeting to order at 6:01 p.m. Pledge of Allegiance was recited.

Roll Call: Jim Binienda, present; Chris Hart, present; Jerry Mayfield, present; Mark Schuster, absent (arrived at 7:00 p.m.); Angel Wuest, present; John Henry, present.

Legal notices for this meeting were published in The Blade, June 10, 2010 and The Point & Shoreland Journal, June 13, 2010.

Oath of Office was administered by Karen Mayfield to Angel Wuest.

Jerry Mayfield went to each board member and asked about any issues they saw.

Jim Binienda mentioned the non-permitted use of tarps. Tarps are used to cover fire damage to structures and are left in place until necessary repairs can be made.

Angel Wuest mentioned the non-permitted the shrink-wrap tarp use. Since we are a boating community this could be an issue. Angel also had a question about the maximum square footage of an accessory building not exceeding 1,500 square feet.

Angel further mentioned: Fences for a motor vehicle salvage yard Page 3-3, Item C: would prefer a privacy fence.

Repairing a fence - does it need a permit? Clarification was made that "replacing" or putting up a whole new fence does need a permit. Making a repair to an existing fence doesn't require a permit.

Page 3-4, Section 1303, Items H & I – Fence

3-6 Causes of Blight: questions about the added wording and its meaning. It was explained that it give the trustees more power to enforce the rules.

1308, page 3-6, #2: being able to have a junk vehicle that's "hidden."

1307, page 3-8, O. - again the issue of using tarps or shrink wrap.

Chris Hart mentioned:

Section 1301, Item I: regarding portable restrooms need to be allowed for construction areas.

Section 1302, Item D: Why are we changing the height of the floor to two feet above grade? John Nagy offered explanation.

Page 3-7, 1309, Item D: Why are we removing the refuse stored in inconspicuously located trash receptacles? This is an issue for many neighborhoods and would allow trash cans to be stored in the front yard. John Nagy recommended that the struck out wording be left in. Becky shared that the wording is too vague to enforce.

Page 3-8, 1308, Item H: It was questioned as to why the word "new" was changed to "any" planting cannot have the mature canopy overhang. Becky explained that this allows the township to enforce residents to trim or get rid of the overhand that is damaging to a neighboring residence's property.

Page 3-10, Section 1318, Item H: The type that was struck-out was questioned.

Page 3-18, Section 1602, Item 1. This is requiring the property owner to supply information that many people don't have. It was explained that the property owner is required to only the information they have.

Page 3-22, Section 1604: What are the purposes of those changes? John Nagy explained that the discretion of the Zoning Inspector would/could help not have an unnecessary zoning meeting.

Page 3-23, Item G: The mention of "four times per year" was questioned. This would help keep property owners from using their front yards as a sales lot.

Page 3-24, Section 2202: Shouldn't the recommendations of the Zoning Commission be public record? It was explained that those words don't need to be in the document. All of that information is public record.

Page 3-25, Section 2301: Why is that being struck out? John Nagy mentioned that this doesn't follow "Robert's Rules of Order;" a "tie" means "no action."

Jerry Mayfield had questions on the following items:

Page 3-2, Section 1301, Item H: It was felt that this will be unenforceable. Becky explained that this was in the previous book.

Item M: It was felt that 200 square feet would allow someone to build a shed or a one-car garage on their property. John Nagy said that the square footage could be lowered to prevent this. It was suggested that this square footage be reduced to 120 square feet of floor area.

Page 3-4, Section 1303, Item I: It was suggested that the wording be changed to 24" or less in height and 20 feet or longer.

Mark Schuster had issues with the following items:

Page 3-10, Section 1320, Item D: Total of 2 boats/watercraft, etc. shall be parked or stored on a lot. There is concern as to how many people would be in violation of this.

Page 3-14, Section 1323, Item A: Why can't flagpole can't be over 25 feet in height?

Discussion was then held regarding the issues previously brought up.

Page 3-2, Section 1301, Item H: Regarding accessory building structures

Section 1301, Item I: Need to allow port-a-potties on construction sites for a longer period of time.

Section 1301, Item K: The size of an accessory building at 1,500 square feet needs to be changed to designate that this restriction is only for residential district ("R" district).

Section 1301, Item M: Designate that "Any 'free-standing' structure, made from any material (wood, plastic, metal, etc.), must meet all setback requirements, and any in excess of 50 square feet, requires a zoning certificate."

Section 1301, Item N: The words "*any other use*" should be removed. This would allow a tent for party, kids' tents, and a decorative gazebo type structure.

Page 3-3, Section 1303, Item D: A zoning certificate shall be obtained for new or *complete* replacement fence installation.

Page 3-4, Section 1303, Item I: Suggested wording is: "*Decorative and garden fencing, not taller than 24", which complies with the yard and set back requirements, does not require a zoning certificate.*"

Jerry Mayfield made a motion to adjourn the meeting for 5 minutes, at 7:25 p.m. Angel seconded. Roll call: Jim Binienda, yes; Chris Hart, yes; Jerry Mayfield, yes; Mark Schuster, yes; Angel Wuest, yes; John Henry, yes.

Meeting called back to order at 7:32 p.m. by Jerry Mayfield.

Jerry asked Chief Matt Hart to address his concerns while Mr. John Nagy was present.

Page 3-16, Section 1601, Item A.2: Under Site Plan Review: Chief Hart mentioned that the fire department needs to be contacted for any new construction. He suggested removing the square footage,

and leave the wording to include any new construction. This is to make sure all sites meet fire code regulations. It was felt that this issue would be better addressed under Section 1603, Approval Procedure or Supplemental Regulations, Section 1300. The fire chief needs to approve any new construction for fire load. Ken Kay suggested that the fire chief receive copies of any new building permits.

Jerry Mayfield suggested a change to Section 2304, in the existing Zoning Resolutions book, for the Zoning Appeals Board. When people come in for appeals, they cite other neighbors that have done what they are requesting. It was suggested that the Zoning Appeals Board be given some leniency to give consideration to the character of the neighborhood and projects near the petitioner. Chief Hart (member of Zoning Appeals Board) explained how the petitioner needs to prove hardship.

Items submitted by Becky Bodette, at the start of the meeting, will be tabled until the next meeting.

Back to items addressed by the Zoning Board:

Page 3-7, Section 1309, Item D: Domestic refuse must be stored in cans with lids and must be behind the front edge of the house. Jerry will work on the wording for this and submit at the next meeting.

Page 3-8, Item O: strike out entire statement.

Page 3-10, The title should include the word "Trailers"

Page 3-10, Section 1320, Item D: A total of two (2) *motorized* watercraft, recreational vehicles, or *trailers*, single or in combination, per dwelling shall be parked or stored *outdoors* on a lot.

Page 3-15, Section 1325, Item A.1: Giving someone 48 hours to work on a vehicle is unreasonable and too short. It was suggested that seven (7) days be given to work on a vehicle.

Page 3-15, Section 1325, Item A.3: Would like to have that statement totally struck out.

Bill Ducey requested that privacy fences that are near the property line be addressed. These fences can block the windows of the other homeowner and be placed very close to the existing structure. Some kind of setback needs to be made so basic maintenance can be done.

Parking on a gravel or paved surface needs to be included in the parking section as well as blight sections. It is currently in Section 1801.3, page 57, of existing zoning resolutions.

Jerry Mayfield made a **MOTION** to recess the meeting and schedule the next meeting. The next meeting will be Monday, July 12, at 6:00 p.m. Chris Hart seconded. Roll Call: Jim Binienda, yes; Chris Hart, yes; Jerry Mayfield, yes; Mark Schuster, yes; Angel Wuest, yes; John Henry, yes.

Meeting adjourned at 8:30 p.m.

Meeting reconvened on Monday, July 12, 2010 at 6:07 p.m.

Roll Call: Mark Schuster, present; Jerry Mayfield, present; Angel Wuest, absent; Chris Hart, present; John Henry, present; and Jim Binenda, present.

Jerry Mayfield distributed recommendations from the last meeting. The committee decided to discuss the items that Becky Bodette submitted at the last meeting that weren't included in the last zoning resolution revisions.

The Supplemental Yard Regulations were discussed. Placement of anything within the right-of-way of any public road was discussed and agreed upon.

Waterfront lots considered a through lot if over one (1) acre on the Ottawa River was questioned as to whether or not if this wording was necessary.

“The waterside of the structure shall be considered the front yard; except for docks, below ground pools, unenclosed decks...” It was questioned whether or not this would make what is now considered the “front” yard into a “back” yard. Essentially this would allow that storage of boats, trailers, etc. could store their items in what is now considered the “front” yard.

Suggested a change in the words “high water elevation” to “shoreline.” Based on the proposed wording, Mark Schuster questioned whether or not a resident would be able to build a boat house. Becky said that this was an attempt to accommodate the residents' who live on the water. An informal poll of the committee showed opposition to this proposed regulation.

“Wetland property owners shall be responsible for compliance with federal and state wetland protection regulations.” and “All structures or additions to existing structures shall be set back to a minimum of twenty-five (25') from areas...” It was decided not to include these items in the zoning resolutions.

It was decided to include the suggested wording about the unlawful placement of anything on the public right-of-way and the water drainage from all properties be included in the document.

Lighting: All lighting shall be designed as to prevent a glare on surrounding public or private property in an area used for residential purposes. Becky explained that this is more about the glare that would come into your bedroom window and there have been a number of complaints about this issue.

It was suggested that more research needs to be done on this issue and it is important. Wording for this should be presented at the next meeting. Chris Hart and John Nagy will do the research on this.

Page 3-9, Section 1312: Regarding Telecommunication Tower

The words that were struck out: “for the provision of cellular telephone communication service,” were discussed. This would only apply to cell towers and not to amateur radio and television towers and these words need to be left in.

Page 3-2, Section 1301: Accessory Building or Structure

Eliminate Item K. Item L defines the required open space for any yard.

Jerry asked that Becky Bodette and John Nagy would look at the sheet he distributed and the two items that the committee agreed to include, that these be incorporated into a “draft” zoning resolution document and presented at the next meeting. Becky and John said that this would take two weeks.

Discussion was held regarding the proposed small wind turbine regulations. It was suggested that the statement regarding the fall zone of 125% be removed.

John said that he would be able to have a document in the hands of the committee one week prior to the next meeting.

Jerry Mayfield made a motion to reconvene the meeting after Labor Day, on Monday, September 13 at 6:00 p.m. Mark Schuster seconded. Roll call: Mark Schuster, yes; Jerry Mayfield, yes; Chris Hart, yes; John Henry, yes; Jim Binienda, yes.

Motion to recess meeting at 7:24 p.m. was made by Jerry Mayfield. Chris Hart seconded. Roll Call: Jim Binienda, yes; John Henry, yes; Chris Hart, yes; Jerry Mayfield, yes; Mark Schuster, yes.

Meeting reconvened on Monday, September 13, 2010 at 6:02 p.m.

Roll Call: Mark Schuster, present; Jerry Mayfield, present; Angel Wuest, present; Chris Hart, present; Jim Binienda, present, and John Henry, present.

Jerry Mayfield distributed sheets with suggested changes and corrections that he caught. Chris Hart also distributed paperwork for suggested wording for "Exterior lighting standards." that he got from Bedford township.

The numbering of the Exterior lighting standards needs to be changed to reflect the numbering of Washington Township Zoning Resolutions. Chris Hart suggested that the lighting section be numbered as 1308, R.

Item 4, D (on the last page): Mark Schuster questioned the definition of sag lens and drop lens fixtures and was concerned that it refers to some of the decorative lighting that is used.

John Nagy presented exterior lighting standards that he got from Franklin County. It was a much more condensed and concise document and the committee felt those standards were appropriate for the township.

Looking at the July 2010 updated red notebook that John Nagy's office provided:

Page 13-43, Section 1312, Regarding Telecommunications: There was text stricken that was supposed to be left in (underlined text is supposed to added back in): "In accordance with ORC 519.211, when a telecommunication tower is planned to be construction for the provision of cellular telephone communication service, the procedures indicated herein shall be followed."

There were also missing graphics in Section 1320 regarding interior and corner lots.

Becky shared concerns about fencing regulations and Jerry explained that any fence company will provide proper fence materials to meet specifications.

Becky also had concern about the Trustees being able to close a pool that is declared a nuisance (not fenced properly). There needs to be a resolution for Becky to cite in these instances.

There was discussion that the red notebooks' page numbers were inconsistent among the committee members. John Nagy explained that the page numbers will be correct in the final document; he provided a copy of the zoning resolutions with the proper page numbers.

Jerry Mayfield made a **MOTION** to approve John Nagy's draft copy of the Washington Township Zoning Resolutions. Jim Binienda seconded. **MOTION** was amended to approve the draft copy with the changes submitted by the Zoning Commission. Jim Binienda seconded. Roll Call: Angel Wuest, yes; Mark Schuster, yes; Jerry Mayfield, yes; Chris Hart, yes; and Jim Binienda, yes.

Jerry Mayfield made a **MOTION** to approve the draft copy of the Washington Township Zoning Resolutions with changes to include the addition of Franklin County Lighting into Section 1308, sub-


section R; and to put back in the stricken copy from Section 312 referring to the provisions of cell towers; make the changes to the front cover – correcting the names; and include the change to Section 1325, sub-section A, paragraph 1, to change the 48 hours to 7 days. Chris Hart seconded. Roll Call: Jim Binienda, yes; Chris Hart, yes; Jerry Mayfield, yes; Mark Schuster, yes; and Angel Wuest, yes.

Jerry Mayfield made a **MOTION** to recess the meeting at 6:48 p.m. to process the minutes for review and approval. Mark Schuster seconded. Roll Call: Mark Schuster, yes; Angel Wuest, yes, Chris Hart, yes; Jim Binienda, yes; and Jerry Mayfield, yes.

Mark Schuster reconvened the meeting at 7:00 p.m. to approve the minutes. Jerry Mayfield made a **MOTION** to approved the minutes as approved. Chris Hart seconded. Roll Call: Angel Wuest, yes; Mark Schuster, yes; Jerry Mayfield, yes; Chris Hart, yes; Jim Binienda, yes; and John Henry, yes.

Jerry Mayfield made a **MOTION** to adjourn the meeting at 7:02 p.m. Chris Hart seconded. Roll call: John Henry, yes; Jim Binienda, yes; Chris Hart, yes; Jerry Mayfield, yes; Mark Schuster, yes; and Angel Wuest, yes.

Respectfully submitted,


Karen A. Mayfield
Zoning Secretary

