

Minutes of the Board of Licking Township Trustees, Special Meeting held at the Fire Co., Station 3, Jacksontown, OH at 7:00pm on January 11, 2007.

Ron Acord called the meeting to order with the following members present: Ron Acord, Joe Cooper, Dave Miller and Jill Linn.

Others Present: Larry Gerlach, Joseph Hart, Cindy Fields, Robert Snedden Sr., Joe Walker, Richard Cash, Myron Ingram and Charles Prince. ~

The Pledge of Allegiance was recited.

The purpose of the special meeting is to hold a public hearing to consider the request from the Licking Township Commission to amend the Licking Township Zoning Resolution.

A public hearing was held for the adoption of proposed Section 26 to be added to the zoning resolution. The Fiscal Officer read Section 26.

Section 26 - Limitation of the number of dwellings/principal structure per parcel/lot of record.

Unless otherwise specified within this resolution no single parcel/single lot of record shall contain upon it more than one principal structure. If two or more non-conforming lots of record or a combination of non-conforming lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution they shall be considered a single parcel/single lot of record. For the purpose of determining if two or more lots or a combination of lots and portions of lots qualify for this standard, the current deed/recording instrument giving the current property owner ownership shall be used. If the deed/recording instrument only describes a single parcel/lot of record then that parcel/lot of record may be built upon as a single lot of record. However, if a deed/recording instrument describes parcel 1, 2, 3, or a, b, c or the like for the purpose of this section, it shall be considered a single lot of record and only one primary structure may be constructed. The multiple parcels may not be developed with multiple primary structures unless the parcels are subdivided in accordance with the Licking County Subdivision Regulations and the standards set forth in this resolution and recorded as single lots of record.

Joe Hart asked if the prosecutors' office clarified the term instrument. Mr. Cooper wasn't sure. Joe Hart gave the Trustees a handout from Anderson Online Documents, which refer to the ORC, and mentioned that when Jerry Brems was assigned and appointed to the Board of Zoning Appeals there was a statement made that there was no conflict of interest with him being on that board, however, a comment was made that if Jerry Brems were on the Zoning Commission Board it would be a conflict of interest. The handout that Joe Hart gave the Trustees

lists the four items under the ORC that the Board of Zoning Appeals may take action on and Joe Hart stated that under this section of the code it does not state that the Board of Zoning Appeals have the right to initiate a zoning amendment. That right, by Joe Harts' understanding, should be done by the Trustees by a resolution, the Zoning Commission Board can discuss and come up with anything on their own, and a petitioner. Based on that statement, Joe Hart handed out to the Trustees pages 2 & 3 from the minutes of the Zoning Appeals meeting of June 21, 2006. Joe Hart stated that Jerry Brems initiated discussion regarding a problem with the changes in the law with the Ohio Administrative Code stating that as of the first of the year the health department would not be able to regulate septic systems. Joe Hart did not have a problem with that but did have a problem with a motion that was made by Jerry Brems, seconded by Robert Johnson with all members present at the meeting in favor of having Doug Price prepare and present a letter to the Commission to amend the zoning resolution to address one house per lot. Joe Hart believes that Jerry Brems and the Zoning Appeals Board initiated the zoning change and he does not believe that they had the authority to do so. Joe Hart asked that sometime in the future they check with the prosecutor as to whether or not the Board of Zoning Appeals has the authority to initiate by motion and resolution zoning amendments. Larry Gerlach mentioned that he has a parcel with a barn, which under Section 26 the barn would be the primary structure so he would not be allowed to build a house later. Cindy Fields mentioned that there are a lot of farmers who may have the same situation as Larry Gerlach. Joe Hart along with Larry Gerlach, Cindy Fields, Myron Ingram and Joe Walker believe that the language used in Section 26 should be simplified. Joe Hart suggested using the word residence instead of principal structure.

Mr. Cooper said that the intent of Section 26 is good and suggest that they review it at a later time and will get some input from Judy Edwards, Assistant Prosecutor. Mr. Acord agreed. Mr. Miller thanked everyone for their comments.

Mr. Miller made a motion to deny Section 26 at this time and revisit Section 26 and run it through the prosecutors' office and bring it back again. Mr. Cooper seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes.

A public hearing was held for the adoption of proposed Section 27-Fees to be added to the zoning resolution. The Fiscal Officer read Section 27-Fees.

Section 27 - Fees

The Board of Township Trustees shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other matters pertaining to the administration and enforcement of the resolution requiring investigation, inspections, legal advertising, postage and other expenses. The schedule of fees shall be available from the Licking Township

Zoning Inspector and may be altered or amended only by the Board of Township Trustees. No permit will be issued until the appropriate fees have been paid, and no hearing or appeal will be conducted until the requested fee has been posted with the Licking Township Zoning Clerk. Applicants or appellants are responsible for all charges and expenses to conduct a hearing or appeal. Any change in the schedule of fees must be presented for open discussion in the Township Trustees regular meeting prior to the meeting that a vote will be taken to raise said fees.

Richard Cash supports Section 27 and made a comment that he would like to see that there is a roll call at the BZA meetings. Cindy Fields mentioned that the system of checks and balances on the fee schedule would be removed by removing the public voice. She asked that it be retained on an amendment process basis. She also asked if there can be a petition if the public doesn't agree with the fee schedule. Mr. Cooper said that the way Section 27 is written there is no option for a petition. Mr. Miller mentioned that they will not be raised without just cause. Joe Hart mentioned that he agrees with Section 27 and believes that it is an administrative function. Mr. Snedden mentioned that the average trustees may not raise them too high but what happens when a high roller becomes trustee. Joe Walker said the Robert Snedden has a good point.

Mr. Cooper said that the prosecutors' office recommended that the last sentence be struck from Section 27. Mr. Cooper does not have a problem with the last sentence but feels that it misses the mark because as a Trustee he would value more input from the Zoning Board of Appeals, Zoning Inspector and the Zoning Commission than from the average resident as far as recommendations to the since they have better insight, not to disregard the residents

Mr. Cooper made a motion to accept Section 27-Fees as written. Mr. Miller seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes.

A public hearing was held for the adoption of proposed Definitions to be added to the zoning resolution. The Fiscal Officer read the Definitions.

Principal Structure

A structure in which is conducted the main or primary use of the property on which such structure is located.

Motor Vehicle

Means any truck or tractor, including any other self-propelled or motor driven vehicle that is operated upon any public highway of this state for the purpose of transporting property or passengers.

Motor Vehicle General Repair and Service

The business of repairing, overhauling, removing, adjusting, replacing, assembling, or disassembling parts of any motor vehicle.

Farm Implement Sales

The use of land, building or structures for the sale, storage or repair of equipment and machinery directly associated with the operation of a farm.

Heavy Equipment

A moveable or transportable vehicle or other apparatus commonly used in commercial, industrial or construction enterprises, such as, but not limited to, trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, lifts, having gross weight of 2.5 tons or more.

Joe Hart recommended they eliminate the definition for principle structure until Section 26 is taken care of. He also mentioned that the current zoning resolution contains the word structure.

Robert Snedden asked if a fence is a structure. Mr. Cooper said currently they are. Robert Snedden asked Joe Walker if he needs a permit to put up a fence. Mr. Walker said not the way he interprets it. Richard Cash mentioned that there are state or county regulations.

Mr. Cooper made a motion to accept the Definitions as presented with the exclusion of Principle Structure. Mr. Miller seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes.

Joe Hart mentioned that the hearing was an outstanding example on the part of the Trustees of listening to input from the people who participated in the hearing. He asked whose responsibility it was to record the adoption to the zoning resolution. The Fiscal officer said it was hers. He also asked whose responsibility it was to get the language into the existing document that shows up at the county. The Fiscal Officer said that she will take care of it.

Mr. Acord made a motion to adjourn the meeting. Mr. Miller seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes.