

**KINGSTON TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

APPROVED: October 15, 2008

DATE: September 17, 2008
LOCATION: Kingston Township Hall
TIME CALLED TO ORDER: 7:07 PM by Chairman Cope

MEMBERS PRESENT:	(CHECK ONE)		
BURRELL	YES	NO	X
GROVE	YES X	NO	
COPE	YES X	NO	
HARSANY	YES	NO	X
DEAVERS	YES	NO	X
STEINHOFF	YES X	NO	
TALBOTT	YES	NO	X
STITES	YES X	NO	

PUBLIC PRESENT: None

APPROVAL OF MINUTES:

Member Grove made a motion to approve Meeting Minutes dated July 16, 2008. The motion was seconded by Alternate Steinhoff (voting member status) and was unanimously approved.

ZONING REPORT:

The Zoning Commission was provided a copy of the August 2008 Zoning Report to the Trustees *attached as Item 1*. Members were informed that negotiations continue between Zoning Attorney Mike O'Reilly and Robert Weiler Attorney Jill Tangeman regarding language refinement in the draft land transfer document.

The status of two complaints listed in the report was discussed. Members were advised that the Trustees felt that satisfactory property cleanup had occurred at 3619 State Route 61 to resolve the complaint, and that no action was warranted regarding the production and sale of firewood at 4628 North Galena Road as the matter is within the requirements of the Ohio Revised Code Section 519.01 and the Kingston Township Zoning Resolution for agriculture.

The Zoning Commission was advised that the deadline for filing a letter of interest and resume was Friday, September 19, 2008 to fill the seat of Member Craig Cope. Members were informed that the only application received to date was from Alternate Bill Steinhoff, and that the Trustees would be interviewing and appointing the position at their monthly meeting on October 6, 2008.

Members were also advised of a Board of Zoning Appeal vacancy that will be advertised in the October 2008 Newsletter and the Township Website. They were informed that Jim Martin was interested in reapplying for the position that he was vacating. The deadline for filing a letter of interest and resume will be Friday, October 24, 2008, and the Trustees will interview and appoint the position at their monthly meeting on November 3, 2008.

Members were provided copies of two recent resolutions passed by the Trustees. A junk motor vehicle removal resolution *attached as Item 2* was passed on August 4, 2008 with an effective date of November 1, 2008. Members were advised that a second, separate resolution is required by law for the Trustees to begin the removal process focused on a specific vehicle(s). Second, a noise resolution *attached as Item 3* was passed on September 7, 2008 with an immediate effective date. Members expressed concerns about the vagueness of several sections. They were informed that the Trustees had discussed the vagueness concern with both the Delaware County Prosecutor's Office and the Sheriff's Office, and had been advised that the resolution as passed (without modification) was the only one that would be supported by both agencies. They were advised that Chairman Akers plans to discuss enforcement with the Sheriff's Office on a quarterly basis for the next six to twelve months to determine effectiveness.

Media Articles

Several documents/articles were distributed for information including:

- Updated Board of Zoning Appeal Rooster *attached as Item 4*.
- Sunbury Growth, The Columbus Dispatch, July 28, 2008 *attached as Item 5*.
- Powell Sign Code, The Delaware Gazette, August 2, 2008 *attached as Item 6*.
- OEPA Wastewater Permit, The Delaware Gazette, August 6, 2008 *attached as Item 7*.
- SR 36/37 Interchange Improvements, The Delaware Gazette, August 11, 2008 *attached as Item 8*.
- Big Walnut Schools Growth, The Sunbury News, August 14, 2008 *attached as Item 9*.
- Need For New Big Walnut School Buildings, The Sunbury News, August 14, 2008 *attached as Item 10*.
- Supreme Court Zoning Case E-mail From Doug Harsany, August 8, 2008 *attached as Item 11*.
- Zoning Review Fees, Delaware County Regional Planning, August 15, 2008 *attached as Item 12*.
- Comprehensive Plan Guidelines, Delaware County Regional Planning, August 8, 2008 *attached as Item 13*.

OLD BUSINESS:

Zoning Resolution Text Review & Amendment Process—During the June Meeting, Members were provided two packets of information. The first packet of information provided a summary and copies of all text revisions prepared by former Zoning Inspector Dave LaValle along with several lists of potential text revisions considered by the Commission between 2001 and 2004. The second packet of information provided a summary and copies of all text revisions that had been submitted by other townships and approved by the Delaware County Regional Planning Commission during 2006, 2007 and 2008 to date. This information was provided to show trends concerning potential items for text revision consideration. Members reached consensus that they would determine the most critical items, address language revisions and incrementally implement the changes through the same legal approval process used for the comprehensive plan.

During the July Meeting, Member prioritized a number of text amendment topics using a low, medium and high importance scale, and eight high importance topics were assigned to Zoning

Commission Members and Zoning Office Staff for research. Members were again provided a summary of both the prioritization and homework assignments *attached as Item 14*.

With three of the five Zoning Commission Members along with the Zoning Inspector absent, those present decided to defer discussion on the text amendment topics until the October Meeting. Instead, Members discussed Attachment #13 received from the Delaware County Regional Planning Office regarding Comprehensive Plan language. Specifically, their recommendation that any language in the Zoning Resolution which requires conformity or strict adherence to the Comprehensive Plan should be softened to reflect that the Comprehensive Plan is a guide. Thus, allowing discretion in hearing rezoning applications as long as the requests conform to the general intent or spirit of the Comprehensive Plan. Their recommendation has been made to minimize the potential of a legal challenge for all townships within Delaware County as the Comprehensive Plan is only a guide while the Zoning Resolution is backed by statute.

Members looked at Sections 8.07, 12.05 and 17.05 which contain language requiring “conformity with the Comprehensive Plan”. Based on the information provided by Regional Planning, no consensus was reached during discussion as to how to soften the language in these sections. Zoning Secretary Stites was asked to contact Executive Director Sanders to secure a specific language recommendation to soften the language, and to determine the relationship between Zoning Districts found in the Zoning Resolution and Zoning Districts identified on the Comprehensive Land Use Map. These two items would then be discussed during the October Meeting.

Finally, the Zoning Commission thanked Craig Cope for his years of service, hard work and commitment to Kingston Township as a Zoning Commission Member and current Chairman. Chairman Cope responded that he appreciated working with Zoning Commission Members and the Zoning Office, and that he learned a great deal from work on the Zoning Resolution, Comprehensive Plan and several rezoning applications.

NEW BUSINESS: **None**

FOLLOW UP ITEMS:

Discuss the Supreme Court Zoning Case, Attachment #11, when Member Harsany is present to explain the background surrounding the issue.

Determine is Vice-Chair Harsany is able to preside over the remaining Zoning Commission Meetings for the remainder of the year.

Contact the Delaware County Regional Planning Office regarding Comprehensive Plan language and Zoning Districts found in the Zoning Resolution and on the Comprehensive Land Use Map.

ADJOURNMENT:

Member Grove made a motion for adjournment. The motion was seconded by Alternate Steinhoff (voting member status), and was unanimously approved.

TIME: **8:29 PM**

SUBMITTED BY: Dave Stites, Zoning Secretary/Assistant Zoning Inspector