

**KINGSTON TOWNSHIP ZONING COMMISSION  
MEETING MINUTES**

**APPROVED: June 17, 2009**

**DATE: May 20, 2009**

**LOCATION: Kingston Township Hall**

**TIME CALLED TO ORDER: 7:04 PM by Chairman Harsany**

<b>MEMBERS PRESENT:</b>	<b>(CHECK ONE)</b>		
<b>BURRELL</b>	<b>YES</b>	<b>NO</b>	<b>X</b>
<b>GROVE</b>	<b>YES</b>	<b>NO</b>	<b>X</b>
<b>STEINHOFF</b>	<b>YES X</b>	<b>NO</b>	
<b>HARSANY</b>	<b>YES X</b>	<b>NO</b>	
<b>DEAVERS</b>	<b>YES X</b>	<b>NO</b>	
<b>FILBERT</b>	<b>YES X</b>	<b>NO</b>	
<b>TALBOTT</b>	<b>YES X</b>	<b>NO</b>	
<b>STITES</b>	<b>YES X</b>	<b>NO</b>	

**PUBLIC INPUT/COMMENT: None**

**APPROVAL OF MINUTES:**

Member Deavers made a motion to approve the April 15, 2009 Meeting Minutes. The motion was seconded by Member Steinhoff, and was unanimously approved.

**OLD BUSINESS:**

Delaware County Regional Planning Executive Director Scott Sanders was present to continue discussions regarding the Zoning Resolution Text Amendment process. He distributed revised Sections 6.02 Agriculture and 6.03 Regulation Exceptions for Communication Towers and Small Wind Farms *attached as Item 1*. After discussion, it was decided that the last sentence of 6.02 C-2 and all of C-3 would be moved to 6.02 B creating B-3 consistent with discussions in the April 15, 2009 meeting; regulating agriculture in platted subdivisions yet allowing continued agricultural use on unplatted, developed areas to maintain the rural characteristic of the township. It was determined that the definition of Agriculture in the current code is adequate in that it refers to Section 519.01 Ohio Revised Code.

Regarding regulation of telecommunication towers under Section 6.03, Member Deavers passed out a copy of Section 519.211 Ohio Revised Code to the Zoning Commission and Executive Director Sanders *attached as Item 2*. The handout shows the most recent law changes regarding telecommunication towers; however, Member Deavers indicated that she was unable identify what exactly had been changed. Members agreed to review the information for further discussion at the June 17, 2009 meeting. Executive Director Sanders briefly review changes he made to Section 6.032 Small Wind Projects as discussed at the April meeting. He was given a copy of the April Meeting Minutes text changes summary prepared by Zoning Secretary Stites related to Article VI so that he could ensure that all changes were made.

Focus then turned to Articles XXII through XXVIII contained in a handout distributed at the April Zoning Commission Meeting and *attached as Item 3*. Regarding the ninety (90) day work commencement requirement within Section 22.02, Member Filbert questioned if the time allotted was enough to obtain an insurance claim, plans, permits, a contractor and complete construction. Members determined that the language as written is acceptable since filing an insurance claim is considered commencement of work. Regarding Section 22.03, Zoning Inspector Talbott discussed the current text which does not require a zoning certificate for structures 150 square feet and under. The discovery of this language clarifies earlier discussions with the Zoning Commission about where to draw the line regarding small, easily moved storage units sold by most home improvement companies. Members agreed that the existing language was acceptable as Delaware County Code Compliance does not require building permits for structures 200 square feet and under; however, Members felt that language should be added requiring unpermitted storage structures to comply with side yard and rear yard setbacks. Executive Director Sanders indicated that he had compiled a draft spreadsheet showing the zoning fees for townships within Delaware County. He indicated that this information would be useful when considering any fee changes for Kingston Township under Section 23.11. He also indicated that all references to the Delaware County Regional Planning Commission would be standardized throughout the document.

Executive Director Sanders was advised that the township supported recommended changes under Section 24.01 which helped clarify exactly when an Alternate Member has voting status during Zoning Commission Meeting. After discussing the removal of language limiting service to two consecutive terms for members of both the Zoning Commission and the Board of Zoning Appeal, Members supported the removal feeling that it is up to the Trustees to determine appointment term limits on a case by case basis. Under 25.07, Members agreed that “D” should be removed which required posting of the property under Board of Zoning Appeal cases. They felt that newspaper advertisement of hearings along with the mailing of hearing notices to adjacent property owners was satisfactory notice.

Regarding changes proposed in Sections 25.09 and 26.03, Members felt that a Court Recorder should be present at most Zoning Commission and Board of Zoning Appeal public hearings (not monthly meetings) at the township’s discretion and expense, and that transcript copies requested by the applicant or public should be provided under the current per page fee of ten (10) cents. Should a determination be made that a Court Recorder is not necessary, Members felt that language should be retained indicating that the notes of the Zoning Secretary or Fiscal Office shall serve as the sole transcript of the hearing.

In closing the text amendment discussions, distribution of future work products by the Regional Planning Office was clarified. Executive Director will email the work product to the Zoning Office ahead of a monthly meeting. The work product will then be distributed at the end of that monthly meeting to Zoning Commission Members thus allowing 30 days to review the work ahead of the next meeting. A copy of Article XX—General Development Standards was distributed to all Members for discussion during the June 17, 2009 meeting along with the telecommunication tower law changes discussed above and the Preamble of the Kingston Township Zoning Resolution. The General Development Standards work product is *attached as Item 4*.

**ZONING REPORT:**

Zoning Inspector Talbott briefly reviewed items found in the April 2009 Zoning Report to the Trustees *attached as Item 5*. He indicated that all NorthStar Final Plan work had been completed by Consultant Strung of EMH&T, and that Zoning Attorney Mike O'Reilly was coordinating the issue of abandoned building removal with Robert Weiler Attorney Jill Tangeman prior to township acceptance of the Township Hall/Park and Farmland Preservation parcels. He indicated that since the Pastures at Blue Church law suit appears to be proceeding to trial, he would be glad to discuss case questions with law suit defendants on an individual basis. Several news articles were distributed and *attached as Item 6*. These articles included Learning To Enjoy Your Service On The Commission, Planning Commissioners Journal, Spring 2009; Tarlton, Ohio Sewer Line, The Columbus Dispatch, March 1, 2009; Warren County, Ohio Development Impact Fee, The Columbus Dispatch, March 30, 2009; Wind Turbine Byers Dealership, This Week News, April 8, 2009; and MORPC Farmland Preservation, The Columbus Dispatch, April 30, 2009.

The posting for a Zoning Commission Seat Vacancy was distributed to each Member and *attached as Item 7*. The position expires in August 2009 and is currently occupied by Doug Harsany. During discussion, Member Harsany indicated that he was willing to continue his service on the Zoning Commission and would apply for the position as indicated in the posting. All Members thanked him for his first term of service to Kingston Township and applauded his willingness to continue with a second full term of service.

**MEDIA ARTICLES:**        **None**

**NEW BUSINESS:**        **None**

**FOLLOW UP ITEMS:**    **None**

**ADJOURNMENT:**

Member Steinhoff made a motion for adjournment. The motion was seconded by Member Deavers, and was unanimously approved.

**TIME:**            **8:52 PM**

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