

HARRISON TOWNSHIP
BOARD OF ZONING APPEALS
JUNE 25, 2013-FINAL

The Harrison Township Trustees, The Harrison Township Zoning Commission and The Harrison Township Board of Zoning Appeals held a special joint meeting on this date. The purpose of this meeting was to conduct a zoning workshop.

Present:

Board of Zoning Appeals: Scott Van Den Berg, Valerie Hans, Deborah Laughlin, and George Snider.

Zoning Commission: Chris Johnson, Rodney Osborne, James, Killebrew, Laney McLaughlin, Linda Miller, and Tony Sharp.

Trustees: Mark Van Buren, Eric Smith and Ray Foor.

Township officials: Fiscal Officer Carolyn Elder, Zoning Inspector Tom Frederick and Zoning Secretary Vickie Noble.

Guests: Attorneys Donald Brosius and Peter N. Griggs of Loveland & Brosius, Dwight Gibson, Jr., Frank Shortridge, Casey Casto, Carel & Bonnie Ellinger, Scott Dunbar and Joe Dunbar.

The meeting was called to order by Mark Van Buren. Mr. Van Buren asked Mr. Smith to lead the Pledge of Allegiance. Following a brief period of Trustee business Mr. Van Buren introduced Mr. Brosius and Mr. Griggs.

Mr. Brosius told the audience that he has 35 years of experience and has represented many townships in Ohio as well as the Ohio Township Association.

He began with a question that the zoning commission had submitted prior to the workshop. "Can we regulate signage for family farms/agricultural entities?"

Mr. Brosius answered that if the sign is directly related to the farm the township has no authority to regulate.

Mr. Brosius suggested two websites to look at for updated zoning information. Those sites were Perry Township in Franklin County and Violet Township in Fairfield County.

Dogs/Dog kennels were addressed. Dog kennels are under agriculture, however barking dogs are not and if the county does not regulate a township can.

Digital Billboards: the township can regulate, however if one is already in place it is "dead in the water". Things such as light brightness and flashing can be regulated.

Mr. Van Buren asked about Noise Resolutions. He explained the problems that exist with getting the Sherriff's Dept. to enforce. Mr. Brosius feels the Sherriff's Dept should be enforcing this resolution.

Ms. Laughlin brought up the issues of subdivisions with lots that no longer meet the size requirements for building. Mr. Brosius said the lot size is still ok however the regulation on building and yard can prevent from building. The township can create a zoning district for such areas.

A discussion was held about creating a PUD.

The township can create a "Floating PUD". If put into place, the property owner can take advantage of this. If not taken advantage of, the property regulations do not change and remain as is.

Mr. Killebrew asked a question concerning the township vs. a homeowners association. Mr. Brosius feels the township needs to have a disclaimer on the zoning application that covers regulations by homeowners associations. The township has no authority to enforce HOA regulations.

Mr. Brosius addressed the numbers on the zoning boards. He pointed out that each board has five members and one alternate. Two alternates could be named for each board.

Mr. Smith asked about a checklist for the BZA. Mr. Brosius suggested looking at the court case of Duncan vs. Middlefield. This case has 7 standards that could be used for township zoning. He also suggested taking a look at the website for the Delaware County Regional Planning Commission.

Other suggestions for the zoning regulations:

Article 6.12 needs to be changed.

Article 6.14 needs to be deleted.

The definition of Agriculture needs to be updated. Look at ORC 519.01

Farm Markets: If over 50% of the product being sold is produced on the farm, the rest can be other products.

Mr. Brosius pointed out that members of the zoning boards are public officials and are subject to the Ethics code. Members are prohibited from participating in discussions and decisions that would affect them or their properties.

A discussion was held on the township creating a property maintenance code and a commercial building department. This could be handled by existing township officials or could be subbed out.

Also discussed was the creation of an Architectural Review Board.

Mr. Van Buren would like to see something in place to regulate areas such as Broad Street. He would like to maintain a good appearance for the business sections of the township. Mr. Brosius' opinion is that Architectural codes or a floating PUD would help with this.

Mr. Smith asked about regulating cell towers. The township has no provisions for cell towers but if added to the zoning regulations, the township would be able to regulate in the residential areas.

The workshop concluded and the meeting was adjourned at 9:08 p.m.

Respectfully submitted

Vickie Noble, Zoning Secretary

Scott Van Den Berg, Chair