

LITCHFIELD BOARD OF TRUSTEES
PUBLIC HEARING
May 8, 2017

The Litchfield Township Board of Trustees met for a public hearing on Mon., May 8, 2017, at the Litchfield Town Hall after the requirements of the Sunshine Law were met by notification and posting. Chairman Wargo called the meeting to order at 5:00 p.m. with Trustees Horvath and Pope present. There was an audience of 5. All stood to recite the Pledge of Allegiance. The *Gazette* had been notified of the hearing and the purpose was to discuss zoning text amendments passed by the zoning board. Trustee Wargo made a motion to approve the minutes from the April 10th public hearing as written; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Horvath stated that tonight's public hearing would begin with Section 218, the stopping point at the last meeting. Trustee Pope stated that the trustees planned to begin with Section 209. ZI Noderer asked if the trustees could return to Section 216. Trustee Wargo stated that on the Facebook page "Litchfield 44253" she proposed the question about allowing in-law suites in secondary buildings on a resident's property. There were 39 respondents – 35 would approve of them as long as there were regulations to follow, 1 was completely opposed to the idea and 3 had other ideas/options. Trustee Pope stated that he spoke with a York Township trustee who stated that they do not allow them. Trustee Pope felt that this could create problems because if there are 2 separate residents on a 3-acre lot, then a developer could potentially take the issue to court stating that he could put a residence on a 1 ½ acre lot. Trustee Pope stated that he feels that the township would have to prove that our zoning has a 3 acre minimum lot requirement. Trustee Pope stated that he did not want to allow old barns or sheds used that have not been issued a zoning permit. ZI Noderer stated that a conditional use permit could be issued. Chief Davis asked what is considered a residence. Trustee Pope stated that our zoning only allows 1 residence per property. ZI Noderer stated that the zoning definition is 1 main residence per lot. Chief Davis asked how this can be enforced and the answer was that the trustees can't enforce it. Trustee Wargo stated that they built a 2-story barn for storage but if either of her daughters needed a place to live, she would not have a problem with them living in the barn so why couldn't residents do this; she wondered why the trustees needed to control this. Trustee Horvath stated that York Township's zoning inspector stated that they do not allow it and she feels that it would be a nightmare. ZI Noderer stated that he couldn't stop these structures but he can deny them if someone comes to him for a permit. Trustee Pope stated again that the zoning code is for 1 main residence per lot. Trustee Wargo asked the zoning inspector his thoughts since he can not enforce what he doesn't know about or what is in existence. ZI Noderer stated that he has not received any complaints regarding these secondary residences and thought that a conditional use permit should at least be required. Trustee Horvath wondered what happens if the property is sold and the 2ndry residence would become rental property. ZI Noderer stated that the structure would still be an accessory building. ZI Noderer stated that this has always been allowed in the commercial district and there has never been a problem. Chief Davis stated that the zoning inspector seems to have a different opinion than the board of trustees and he wonders if the trustees are making a zoning rule which can't be enforced. Trustee Horvath stated that he would like to check with other townships. Chief Davis asked what would that matter; Trustee Horvath stated that he likes to obtain other townships' opinions. Trustee Wargo stated that it is important to ask township residents their opinions. Trustee Pope stated that it may be time for a new Comprehensive Plan. Trustee Wargo stated that the trustees could start on the Comprehensive Plan and then will have to deal with this issue by the end of the plan. ZI Noderer wondered if letters should be mailed to the residents for their opinion. Trustee Horvath stated that he would have information at the next meeting about Oxbow who conducted our last Comprehensive Plan. Zoning Member Wargo stated that he reread 209.02 to

see where it says that there can be 2 separate buildings but he did not see it there. ZM Wargo suggested specifying that a subordinate structure's size would need to be smaller than the primary/principal building. ZM Wargo stated that the MC Planning Commission recommended the township addressing this in our zoning. Trustee Wargo stated that she needs more information from the residents to see how they feel about the issue. Chief Davis stated that if rules are in place and residents are trying to hide the living space it becomes a safety issue for the fire department. In Section 216, ZI Noderer would like this added to 216.01.2 : “All junk motor vehicles, **wrecked vehicles, vehicles for parts, vehicle parts, car parts on a trailer and such vehicles or parts kept on trailers** must be stored in ...” Trustee Horvath agreed and stated that he has met with the prosecutors enough times to know that if things are not worded correctly in the zoning code then the prosecutors can't do anything about it when a problem arises. The question of allowing someone to have a junk vehicle in their yard was discussed. Trustee Pope asked if allowing 1 junk vehicle in a resident's front yard is what people want the township to look like. Trustee Wargo asked what the other trustees want for the township; did they want all boats, RVs, etc. to be kept under cover on residents' properties. The trustees stated that ZI Noderer's recommendation should be added. ZI Noderer suggested adding to 216.01.3 so it reads “Storage of garbage, **trash, rubbish,** and/or recyclables awaiting disposal shall be kept in dumpsters or disposable containers.” The trustees agreed. The trustees looked over Section 218. Trustee Pope stated that there have been a ruling on this recently so whatever is here is fine. Trustees Horvath and Wargo agreed that no changes are needed. The trustees did not want to make any changes to Section 219. For Section 220, ZI Noderer stated that in 220.04 under Area Placement 40' should be **15'** and center of the road should be **edge** of the road. Under Height and Transparency 6' should be changed to **8'** for side yard fencing and rear yard fencing. For 220.05 ZI Noderer suggested changing under Area Placement 40' to **15'** and center of the road to **edge** of the road and adding measurements to the diagram shown. The trustees agreed to these changes for Section 220. The trustees did not want to change anything in Sections 221 or 222. ZI Noderer asked if the trustees wanted to add a minimum fence height requirement for around in-ground pools. The trustees wanted to leave the section as it is written. The trustees discussed Section 223. Trustee Pope asked why in 223.01.1 a zoning certificate is required but one is not required for a roof mounted solar panel. Trustee Horvath stated that a zoning certificate is required for ground-mounted or freestanding panels so that the panels are not placed too close to property lines. The trustees want to eliminate the line “**The use of fencing or natural vegetative screening may be required to obscure glare.**” from 223.01.1. For 223.02 ZI Noderer asked trustees if they want to require a site plan for both of these sections and if a whole new site plan would be required if solar panels are added at a later date. The trustees made the following changes: the end of 223.02.1 is changed to “... A Solar Photovoltaic System is considered a structure and **may be** subject to review and approval of a Site Plan. **Issuance of a Zoning Certificate is required.**” 223.02.2 is changed to : “**Solar panels and all accessory equipment associated with the energy system attached to a building or roof-mounted, is considered a structure subject to issuance of a Zoning Certificate.**” The trustees stated that they were okay with Sections 224 & 225. The trustees discussed a date for the continuation of the public hearing. Trustee Horvath made a motion to continue the Public Hearing on Monday, June 5th at 5:00 p.m. at the Litchfield Town Hall; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Pope made a motion to adjourn; second by Wargo. Voting yes: Horvath, Pope, Wargo. Public hearing adjourned at 7:25 p.m.