

LITCHFIELD TOWNSHIP ZONING COMMISSION
OCTOBER 8, 2019
6:30pm

<i>Board Members:</i>	<i>Term End</i>	<i>Trustees</i>	<i>Zoning Insp.</i>	<i>BZA:</i>	<i>Term End</i>	<i>Other:</i>
Dave Borling	2019		Eric Noderer	Mitch Hook	2022	
Frank Baluch	2022					
Jerry Koenig	2023					
Chris Barnes (alt)	2019					
Andrew Comuzie	2020					

CALL THE MEETING TO ORDER

Borling called the meeting to order with the Pledge of Allegiance.

ZONING INSPECTOR REPORT

Noderer had nothing to report.

Borling said he heard that the welding shop has a tenant moving in that is going to do the same thing the owner once did.

TRUSTEE REPORT

Horvath shared that a representative will be at the next trustees meeting for potential review of the zoning resolution. There was one person last month and one this month; the trustees will decide who to pick. He reiterated that he hopes to have the process started this January. The selected person will start with the zoning commission, then work their way up to the trustees. Everyone will be involved with the process to include areas of concern. Discussion took place about how the process will work.

Borling asked Horvath about the trustee’s campaign for zoning/BZA members; Horvath said they are always doing that.

BZA REPORT

No report from Mitch.

TRAINING COMMITTEE

On hold.

OLD BUSINESS

Corrective actions; Borling said he would like to wait for a full board before continuing. He asked Noderer to clarify his ‘Zoning Ambiguities and Legalities’ regarding Section 304-308.2. Borling read the language out loud. “Conditions Imposed by the BZA about conditional use, including Home Based Business Type II, shall be stated in the text of the zoning resolution otherwise such conditions are not enforceable”. Borling said they [conditions] are already in Section 217; Mitch said if the BZA puts stipulations on a Conditional Permit, the stipulations have to be listed in the book. Mitch explained if the BZA says a business can only work Monday-Friday, the restrictions the BZA can put on that conditional use need to be in the zoning book. Borling asked Mitch to get the restrictions that the BZA

wants in the zoning book in writing to him because the zoning commission cannot presume what those might be; Borling said the BZA needs to bring those to the board. Noderer said they want the commission to figure out what the restrictions are. Borling said the commission is not going to figure that out; if the BZA wants to impose restrictions then they need to figure them out and bring them to the board. Borling said the zoning board does not list restrictions, this is a permissive resolution. Noderer said the zoning board needs to list conditions that are allowed. Borling asked what conditions. Noderer said hours of operations (for example); as the resolution states now the BZA cannot impose that restriction. Borling asked why the zoning board would impose conditions of operations. Noderer's reply was so the restriction is permitted in the zoning resolution, which then allows the BZA to place those restrictions. Noderer said the attorney at the zoning inspectors meeting told them that restrictions are arbitrary unless they are in the zoning resolution. Borling asked who places conditions, Noderer said the zoning commission does; Borling said no; Noderer said the zoning commission is the legislative body of the township for the zoning resolution. Borling said the board has already stated there are no conditions. Noderer asked why have conditional use then. Borling said that Section 217.02 notes conditions; Noderer said just change 'Criteria' to 'Conditions' and that should satisfy the issue with 217.02. Noderer said that one application is different from another and the BZA is allowed to do that (impose different restrictions) with Conditional Use. Noderer said he wasn't sure if that change for 217.02 will satisfy the issue though. Jerry asked what the concern is regarding the hours (as the example). Noderer said that is what they want to 5 member board to do..... brainstorm some of these possibilities. Borling said they need examples of pervasive abuse (for imposing conditions for future conditional use applications) and he is not hearing one. Noderer said there isn't pervasive abuse but there is a potential that no hours of operation can cause abuse. Borling said the resolution would have to list everything; the zoning board is being asked to come up with a plethora of conditions, that when handed to the BZA, may not be enough. Discussion continued without resolve on this topic. Borling said there is a bigger issue, which is an accessory building that develops into a Home Based Business Type II; an owner then sells the property, the new owner only wants the residence and not the accessory building, so now they might rent it out; what do you [we] do? Noderer said they would have to rent the house too. Borling said no, they 'owner/occupy' the house and rent the building in a clandestine way, with no sign. Noderer said that is not a home based business. Borling said it is still a commercial use in a residential area. Noderer said you cannot have a residence and a commercial use on the same parcel. Borling said it is happening on Rt. 83 south of Shank. Borling said that for the board to come up with every conceivable business with individual conditions the board would be meeting forever to determine that. Chris agreed with the idea that conditions could be 30 pages. Discussion continued. Noderer said the board can just note that for Home Based Business' the hours of operations can be regulated and the BZA would specify the limits. The discussion led to Horvath reminding everyone this is why the zoning professional will be working on this for the township. Discussion led to Borling making a motion to adjourn, with a second by Chris and adjournment at 7:15pm.

Dave Borling-Chairperson

Frank Baluch-Vice Chairperson

Please note: Meeting minutes are not verbatim. Approved meeting minutes are the official record of the meeting.