

Greenfield Township Zoning Commission

Meeting Minutes

November 20, 2018

- **Call to order**

The meeting was called to order by Kim Wickham Chair, at 6:00 p.m. on November 20, 2018, at the Greenfield Township Firehouse. The Pledge of Allegiance to the Flag of the United States of America was recited at the opening of the meeting.

- **Roll call**

The Chair requested a roll call:

Jack Barr
Jim Beiter
Jeff Kraner
Kim Wickham

Jeff Bader (absent)

Lacey Storts (Secretary)

Other attendees: John Reef Sr., Daniel Werner, Shannon Werner, Kevin Yeamans, Steve Eversole

- **Review of Minutes of Previous Meeting**

Minutes from the October 16, 2018, meeting was reviewed. Correction was made concerning the vote for the minutes, Jeff Bader must abstain from voting due to non-attendance. Jeff Kraner moved to approve the minutes as written with changes. Jim Beiter seconded the motion. A Roll Call vote was taken: Jeff, Yes; Jim, Yes; Jack, Yes; Kim, Yes. Motion carried. Minutes approved with corrections.

- **Discussion**

Since Jeff Bader was not in attendance, it was suggested that Lacey Storts be an alternate if needed.

Shannon Werner spoke first and introduced herself and her husband Daniel (Werner). They live on Plum Road and have an issue with a neighbor who they believe is clearly in violation of the zoning code. Shannon indicated that she spoke a few times with Zoning Inspector Kevin Yeamans but has not heard back so they came to the meeting to follow up and get help resolving it the concern with their neighbor. She indicated the neighbor

has a shipping container on the property. This shipping container has been in the front yard location for at least 3 years. As far as she is aware there is furniture in it.

Her husband Daniel stated that the owner's parents passed away and instead of storage they decided to get this shipping container to use. The property is not being used as a residence nor do they farm it. Daniel has spoken with their neighbor who said it would only be temporary but just recently when they spoke the neighbors indicated they had no plans to move it.

Jack asked if it was in the right of way from the road and asked what the right of way was and Kevin said 90 feet and Shannon said it was within 40 feet between the barn and road.

Kim asked if Shannon had gone to any Trustee meetings and she said she went to the public meeting when the codes were changed. She said again she and Kevin spoke because she thought he would be able to help.

Kevin stated that she is on the top of his list and Shannon indicated she has left several messages and sent emails with no response, which is why she started with the zoning commission before going to the Trustees. Kim suggested they go to a Trustee meeting.

Daniel asked who enforces the zoning code for this township and it was stated that it was the zoning inspector. Kevin agreed that he would be the one who enforces the code.

Shannon asked if he has sent the property owner a letter regarding this issue and Kevin said he has not due to being busy.

The Werner's stated that their son catches the bus at 6:55 am and can't see the bus coming down the road because of the container and it is dangerous through there. Their child has to walk to the street to look around the container. A girl was killed right next to their home and Daniel was the one that went out there and does not want anymore issues with that area and their son.

Jack asked if they have talked to the sheriff or school transportation people. They stated that they have not because they feel it's a zoning issue. Jeff asked Kevin if it is in direct violation and Kevin said that he knew about it when it was put in and that the container is only temporary.

Shannon stated that the container in its current location meets none of the zoning criteria. She further stated that it does not meet the classification of permanent or temporary per the old zoning code. Kim again suggested that they go to the next Trustee meeting.

Kevin said that the acreage of the parcel could play into if it meets the zoning code or not and he would have to look into more and Daniel said it is 4 acres, Shannon said zoned R1. Shannon provided the commission a map where their house is located and where the container sits. Kevin said he would provide the owners of that property a letter and Shannon asked what time frame would they would have and Kevin stated the next few weeks.

Shannon asked if they should call the sheriff prior to sending a letter per the commission recommendation and Kim suggested again they go to a Trustee meeting.

The Werner's feel they have given the home owners a generous amount of time to relocate the container and that it hurts the value of their home and that they plan to attend the Trustee meeting to discuss it with them.

Jeff let them know that the zoning commission is an advisory board and that the Trustees have jurisdiction over them.

Daniel wants a letter from Kevin saying they are in violation and it is a safety hazard. Kevin said he would have to look into it and said because it is under the old code there is no definition of temporary. Shannon stated there is no definition of permanent either and if anybody were to use that to build a house they would not have to comply because it's not stated. She also said that by any logical thought 3 years in not temporary to where Kevin agreed. Shannon asked Kevin to please let her know when he sends out the letter and he said he would.

Jim asked what the right of way was on Plum Rd and Kevin said he believes it to be 60 feet but would have to look at the map. It was discussed about where the violation was and Shannon indicated that it is also in front of the permanent structure on the property. Kevin again said when they told him about putting it in they said it was temporary and Jeff asked what defines temporary and Kevin said he didn't know. Shannon said the Ohio Revised Code says it is 120 days where she feels that if the zoning code is not clear than it should fall back to that.

Jeff asked what the dimensions were and Steve Eversole spoke up and said its 8 x 40 and did not think he could move it right now. He also stated the owners of the shipping container called him and asked who to get to move it and he said he did give them a name. It was asked how long ago was that to where he stated it's been a while.

Daniel and Shannon both said if he moved it behind the barn it wouldn't be a problem and he has had it staked out for about a year and nothing has happened. They also asked what the procedure was to get these issues taken care of and if they spoke to the trustees what would happen and Kevin said that nothing would probably happen. They told Kevin they look forward to hearing what he puts in the letter and again stated they will go to the next Trustee meeting and thanked the commission.

Kim asked if everyone got the copy of the information for the hearing when it was going to be plus the package that Kevin sent. Jack said he did not get it but everyone else did. Jack asked Kevin how the street situation would affect this and Kevin stated that the commission shouldn't discuss the information until the date of the hearing.

Jim asked if Mr Beaty has ever asked about annexing the land and also asked if there would be a separate deed for that. Kevin said it should be and Regional Planning would hear it and the commission would have that response prior to the meeting. Jim also asked if notification had been sent out to all the neighbors and Kevin said yes he did that and yes a legal notice was posted in the paper.

Kim stated that she had copies and also emailed copies of the updated zoning map with the corrections. Jim was looking for a R3 partial and could not find it on the map. Kim said it was missing office district and LB district. Jim and Jack found the R3 and pointed it out to her.

Jeff asked to back up and asked Kevin if there was a letter to him regarding the original discussion and he said there have been emails. Shannon said the correspondence started the 17th of September.

Kim went back to the rules of procedure and said she asked Dawn if that was something they were able to discuss and Dave Cotner said yes and Kim printed out copies of the rules of procedures to look over too. She also printed out where its referenced under the ORC.

Jim said the term of office needed explanation where it says each officer shall hold office for five (5) years until December 31st of the next year. He looked at 519.04 of Ohio Revised Code and questioned if he moved prior to his term, does whoever replace him finish his term but he does not feel this reads that way. Kim then said that there is no term that expires for 2020. Jack also asked that if Jeff Bader was not there and they needed the secretary to vote that could be the case and would only vote if there was a tie and Kim and Jack said that also needs cleaned up to if a member is absent. Not only if it's a tie or they feel it's necessary. He said he is going on what Lonnie's wife told him.

Kim asked if there were any other concerns. Jim said it was written and approved in March of 2016 and that was still on the old book. At that time Kevin's job was zoning inspector/secretary and he asked Kevin if he still carried both titles and Kevin said he had no idea. He said that they are 2 separate entities who live under the same roof. Kim stated that he is not considered the zoning secretary anymore. Jim said in the newspaper it said zoning secretary and Kevin said that is something the paper adds on and that is the format they use.

John Reef Sr wants to bring it to public record that it was said in the meeting that the legal notice was not in the paper for the doggie barn hearing and Jim said he didn't notice it. (The BZA hearing)

Steve Eversole said he had to leave and asked the commission how many copies they wanted of the larger map. Jack said 6. Kim said she would send him the file.

Jeff asked if Kevin as the zoning inspector who is the 2 separate entities. The Trustees/zoning then him and said basically is not required to come to the meetings and Kevin said only as needed. Jack asked who decided as needed. Kevin said it's an informational transfer and the commission may get that information via email and Jeff said with a meeting like this though he would be needed.

Kevin said however there was already correspondence to where Shannon and Daniel both stated that ended 2 months ago and again that's why they came to that meeting. Kevin said he has email and messages that he hasn't responded too yet also. J

Jack feels that the commission should not have to keep batting around Kevin needing to be there or not and asked if the zoning commission needs input from Kevin could he provide it and he said yes.

Jeff asked that since he has been on the commission has there been issues that have not been taken care of. Jeff wants to know for Shannon and Daniel what the follow up procedure will be especially if nothing is done and Kevin stated that then it would go to the prosecutor and could take another year. Daniel stated that the 2 months then that they have not heard from Kevin is important and Kevin said that they have heard from him.

Kevin said that he was not here to argue and Daniel said neither was he, he just wanted Kevin to do something and if he won't do something he will go to somebody else who will. Kevin invited him to the Trustee meeting on the 28th. Shannon stated that a great first step would be a letter so please start there. Jeff said that if things are zoned for protection it is not being done.

John Reef Sr said it is sad that our taxpayer money is being wasted at the zoning meeting and that this has nothing to do with zoning. Kim indicated that they are doing zoning work and wanted the commission to go home with some homework.

Jim said that Kim should mention about the mobile home park and said that there was things being done and that it should be cleaned up after Thanksgiving per Dave Cotner.

Kim stated that she wants to make sure what everyone's homework is on their own time, to look over the rules of procedure, the office terms explanation, more verbiage on alternates to vote and special meeting verses hearing.

Jim questioned if they needed a document called the rules of procedure and Kim said that she is pretty sure that all townships have them and that they are similar to position descriptions. Jeff suggested that other members from other townships come to our meeting so they can tell this commission how they do things.

Kim asked that the commission remember the hearing on December 11th at 7pm and to please have all the information they need.

- **Next meeting**

The next meeting will be on Tuesday, December 18, at 6:00pm at the Greenfield Firehouse.

- **Adjournment**

Jeff made the motion to adjourn and Jack seconded. Jeff, Yes; Jim, Yes; Jack, Yes; Kim, Yes. Meeting adjourned at 7:35 pm.

Respectfully submitted by Secretary, Lacey Storts.