

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____

February 24, 2021
7:00 p.m.

The Washington Township Trustees met in special session with Powell, Smith and Euler present. Chairman Euler presided. Guest in attendance were Roland Southard, Jason Dahms, Dan Henry, Dan Myerholtz, Andy Moser, Chad Johnson and Shad Kitchen.

Smith stated were are here to start things moving on what we have discussed in April 2019. We sent some suggestions to the Commission and at that time Dahms brought some questions to the table to discuss. There were nine items that we wanted addressed at that time. As of right now nothing has been changes we just know that they need changed. Powell stated he went through his file and he gave the zoning commission guys a reminder. That included a letter from the zoning appeals with suggestions of items they feel need changed since it keeps reoccurring in variances. Smith listed items that need changed from the 2019 meeting:

- Change pond lot size not allowed on less than 2 ½ acres (typo)
- Residential R1 & R2 – (eliminate R2) change to R1 only require city water & sewer
- Add prohibition of Medical Marijuana (See Trustees passed legislation)
- C1 maximum height restriction of building
- Homes that were not extending in the side yard setback no farther than the present home and not encroaching on the rear yard (No need for a variance if it does not encroach on any present setbacks) Homes were not 75 foot from the front property line but didn't encroach on the side or rear setbacks
- Cargo Containers & Storage Pods limits or restrictions
- Limit amount of recreational vehicles
- Definition of a closed structure (closed on all sides including a roof or is a fence considered a closed structure)
- Remove required Engineer Stamp for ponds

Smith stated he has another item he would like to discuss as well. He opened the floor for discussion. Dahms said most of these items are in the draft already. We did get some information back from the county and they had suggestions on fences or enclosed structure that we can add as well. Dahms said he received an email from Dave Steiner the definition of enclosed structure was anything constructed or erected which requires location on the ground or attached to something having fixed location on the ground. It contains a roof supported by columns, walls, or cantilevers. Roland asked if it had to be weather tight can it be a like a shelter house. Powell stated that would defeat the purpose of hiding junk vehicles. Dan stated the issue was people having junk vehicles sitting in yards and people wanted them out or hiding in a building. The discussion came from someone that lives on a hill and can see over the fence then it needs to be covered by a roof. Smith's other concern is that we have a lot of people that put up buildings that classify them as ag, if we have a permit for ag then we should request a copy of the schedule F form they file with their taxes for income for farming. Powell asked what the people have to do to qualify as ag, Chad stated they fill out the paper for their reason of qualifying for ag. Powell thinks we need to decide whether a fence is a structure. Chad has never heard a fence being a structure. Powell stated so junk vehicles behind a fence is a violation then. Chad said yes but how do you prove it. Powell stated then we need to clarify that. Chad stated a better solution is to limit the amount of vehicles on residential or agricultural lots. Powell stated if they are in a building can you do that. Chad said no. Euler stated if we allow a fence then we need to make sure nothing is visible behind the fence. Dan stated then is it okay to be visible from a second story room. Powell stated that is a good point. Euler said then it goes back to having a roof on top. Powell doesn't feel it would be out of line to say that it has be in a building. Chad said he doesn't understand the R-2 being eliminated, Williamsburg is R-2. Powell asked if they had water and sewer and Chad said yes, Powell said then it doesn't matter. The reason for this is to eliminate people making small lots that do not have city water and sewer available. Powell feels we need to require people to have city water and sewer. Chad said he had sent violation letter to the Joy's, he will probably need to send him a letter every six months. The only way to eliminate that is to limit the amount of vehicles. Powell thought we have a limit of 2 unlicensed vehicles, Chad said he was talking vehicles in general. Smith read from the prior meeting that Dan said that if a person has more than 3 licensed vehicles then the other vehicles need to be in an enclosed structure. Smith stated we really need to define an enclosed structure. Euler stated there is a definition of structure not enclosed structure. Dahms said the definition is added in the draft. Chad said once he sends a zoning violation letter and then if they continue to do it then he has to go take dated pictures, have a meeting with the assistant prosecutor attorneys and review. They put together a legal document and then the violators get taken to court. Roland asked if you have to have a minimum of 5 acres to have an unoccupied structure. Chad said if you have a house

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ Continued _____ February 24, 2021
7:00 pm.

~~you can have as many accessory buildings as you want. Powell stated you are not supposed to~~
have an accessory building before a house but sometimes ag does. Dan stated currently the book reads they are not supposed to have junk vehicles anyway for more than 30 days in one part of the book or 72 hours in the other part. They are already in violation so why don't we have the means to enforce it to get them out of there. He doesn't see why having a roof matters, if they are behind a fence then they are still in violation. Powell stated that is what we are trying to clear up, is being behind a fence legal in our township. Chad said if it's behind a fence how are we going to prove it. He has to prove the vehicles have been there by taking dated pictures. Powell said with permission on the neighboring property then you can take pictures. Chad says legally you can't prove things behind a fence.

Euler said Dahms let him know Tom Talarico is stepping down, so we will need to fill his seat on the Commission Board. Chad stated to ask Brian Owens he may be interested. Powell would like to be able to reference our zoning whether something is in violation or is in compliance. Chad also recommended Matt Shanahan for the board. Someone asked if these proposals need to be approved by the county. Powell said it starts with the Commission they make a recommendation after they write them up and have a public hearing they run it by the Planning Commission and Prosecutor then the trustees have to have a hearing. We can accept them as written, we could modify them or we can turn them down.

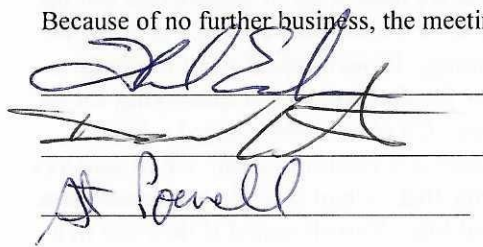
Smith asked if we have any variances duplicated. Chad said variances for additions on a property with not enough frontage, for example, a property that was built in the 1940's and only is 45 feet from the road. The Trustee's stated to talk with the property owner on Tontogany Creek that they need to divert their water runoff from the neighbor's. Chad stated Linda always said not to get involved with surface water. The Trustee's think they need addressed now before the problem starts.

Shad asked if there been discussion on attracting new businesses in the Township. Smith stated no one has come to us.

Powell had a conversation with Dan Henry with the Zoning Board of Appeals about them approving a variance and making a lot smaller than 2 1/2 acres. The acres were not less than 2 1/2 acres the frontage had a shortage. Dan stated what the health department is concerned is with making a property too small for the future buyers.

Chad asked for the residential to be explained again. Powell stated we have agricultural and we have residential property. This would be someone taking an agricultural area and make it a residential subdivision then we require them to have city water and sewer for that. This is for future property only to be changed from agricultural to residential.

Because of no further business, the meeting was adjourned at 8:44 p.m.



Approved by: Kristel Beyer