

Harlem Township Zoning Commission  
3883 South State Route 605  
Galena, Ohio 43021

October 4, 2021

Chair, Mike Kabler, called the hearing HTZC 21-09 for Robert and Rhonda Piper to order at 7:45 p.m. Mr. Kabler asked for a roll call of members.

Members Present: Tom Nied, Virginia Lewis, Mike Kabler, Joni Manson, Robin Lobenstein  
Alternates Present: Bruce Hamill, Brittany Hoperich (via Zoom)  
Secretary: Sherrie Steele  
Zoning Inspector: Matt Kurz  
Trustee: Dave Jackson  
Public Present: Rhonda Piper, 1764 Green Cook Rd., Sunbury, Ohio 43074  
Robert Piper, 1764 Green Cook Rd., Sunbury, Ohio 43074  
Steve Vucelich, 2218 Green Cook Rd., Sunbury, Ohio 43074  
Kim Vucelich, 2218 Green Cook Rd., Sunbury, Ohio 43074  
Joe Clase, 1 S. Harrison St., Ashley, Ohio 43003

Mr. Kabler introduced Commission members, the Zoning Inspector and the secretary.

Mr. Kabler outlined the purpose of tonight's hearing and then explained the hearing rules and procedures.

Mr. Kabler asked the secretary to read the public notice of the hearing into the record.

*PUBLIC NOTICE*

*The Harlem Township Zoning Commission is being asked to consider the following:*

*Robert J. Piper and Rhonda J. Piper, 1764 Green Cook Road, Sunbury, Ohio 43074, are seeking to rezone 6.627 acres from Current Zoning AR-1 Agricultural Residential to Proposed Zoning FR-1 Single Family Residential.*

*There is no physical address for the property. The property is located on Green Cook Road, south of Needles Road on the west side of the road. Parcel ID # 316-140-01-020-000.*

*The hearing will be held on Monday, October 4, 2021 at 7:45 p.m. at the Harlem Township Firehouse, 3883 South State Route 605, Galena, Ohio 43021. The hearing is open to the public. The application and accompanying documents are on display at the rear door of the Firehouse.*

*Mike Kabler, Chair*

Mr. Kabler asked the secretary if the application was on the correct form. The secretary stated the application was on the correct form. Mr. Kabler asked if the applicants had signed the application. The secretary stated both applicants had signed the application.

Mr. Kabler asked what the specific zoning request was. The secretary stated to rezone 6.627 acres from current zoning AR-1 Agricultural Residential to FR-1 Single Family Residential.

Mr. Kabler asked Commission members if the correct legal description had been furnished in text and map. Ms. Lobenstein stated there were no fatal errors.

Mr. Nied stated there were two discrepancies between the text and the map. Mr. Nied stated the description shows 00 56' 24". The direction needs to be corrected to 02 56' 24".

Ms. Manson stated the tax parcel number is wrong. The original document shows 000 and the survey shows 003.

Mr. Clase stated the errors have been noted. Mr. Clase stated the survey has not yet been filed with the County.

Mr. Kabler asked Commission members if they felt Mr. Clase could make corrections to the original application and initial the changes.

Mr. Nied stated he believes the Commission can move forward with the document being corrected before it goes to the County.

Mr. Clase stated he would ask the surveyor to correct the survey and Mr. Clase would submit the corrected copy prior to the Trustee hearing.

Ms. Manson stated she was not comfortable with this. Mr. Kabler asked Commission members if they should recess tonight's hearing to allow for the survey to be corrected.

Mr. Kabler asked Mr. & Mrs. Piper to stand and introduce themselves to Commission members. Robert and Rhonda Piper stated they reside at 1764 Green Cook Road.

Mr. Nied stated he would like to continue with the hearing process to see if there are any other errors that may be noted before recessing. Mr. Kabler stated the Commission would continue with the hearing process.

Mr. Kabler asked the secretary if the adjacent, adjoining, contiguous property owners had been notified of the hearing. The secretary stated all adjacent, adjoining, contiguous property owners had been notified of the hearing. The secretary stated there had been one letter returned to date. That letter was addressed to Nicole Hiles, and the postal sticker stated the letter was undeliverable, NSN, unable to forward.

Mr. Kabler asked Commission members if there were any other errors noted.

Ms. Manson asked Mr. Clase if he had done a calculation for net acreage. Mr. Kabler stated he had sent an email to Mr. Clase regarding this. Mr. Kabler stated Township Guidelines require a calculation of net acreage as well as recorded easements.

Mr. Nied stated it appears the intent is to rezone to FR-1, then to split the acreage into 3 lots. Mr. Nied stated there is a total road frontage of 525' allowing the 3 lots to have 175' of road frontage. That would allow for 2.20 gross acreage per parcel and 2.089 acres after the right of way.

Mr. Clase stated there is no plat approval for the lot split process. Mr. Clase stated there is .362 acres for right of way which leaves a net acreage of 6.625 acres. Sanitary sewer has been accounted for. Gas lines exist but are out of the right of way. Water is on the other side of the road so there are no easements for water.

Mr. Kabler stated the Zoning Commission does not consider lot splits. If the net acreage requirements are not met, then the Zoning Inspector cannot issue a zoning permit.

Mr. Nied stated this request is for 6 acres within a 60-acre farm. Mr. Nied asked if there was any particular reason they picked these 6 acres.

Mr. Clase stated to the south is the existing farmstead. These lots will face 2 existing lots on the opposite side of the street so will make for a more cohesive look. Mr. Clase stated this area sits higher than the rest of the land so makes more sense for septic.

Mr. Kabler asked Commission members if they had any other questions. Commission members had no other questions at this time.

Mr. Kabler opened the hearing to the public. There were no questions or comments from the public present. Mr. Kabler closed the public portion of the hearing.

Mr. Kabler asked Commission members for further comments or questions.

Mr. Nied stated the Commission rezoned 2 other lots in this area in 2019. Mr. Nied stated he had heard there were drainage issues in this area but that was not a zoning concern. Mr. Nied referred to the 2 parcels across the street and stated they had been recently sold. Mr. Nied stated

the parcels are zoned AR-1 and do not meet the net 5-acre requirement. The lots are non-conforming and would need to be rezoned to FR-1 to be built on. Mr. Nied stated it would make sense to rezone the lots to FR-1.

Mr. Kabler stated the Commission could recess tonight's hearing to Monday, October 11, 2021. There are 2 issues that need to be addressed. Mr. Kabler stated the discrepancy between the survey and the legal description needs to be corrected. There needs to be a calculation of net acreage presented.

Ms. Manson stated the map is okay, the legal description is what needs to be corrected.

Mr. Kabler asked Commission members if they should recess at this time.

Ms. Lewis stated there seems to be a lot of these types of issues that have come up regarding applications since she joined the Commission. Ms. Lewis stated she feels this opens the door for applicants to come in with a poorly prepared application and then the Commission allows for the application to be fixed.

Mr. Kabler stated applications do not get reviewed until the night of the hearing. Ms. Lewis stated she is trying to gauge the process. Mr. Kabler stated this issue should be discussed at the workshop meeting. Ms. Lewis stated it seems there should be a better way to inform the public so we don't have these issues.

Mr. Kabler asked if there were any objections to recessing the hearing. There were no objections. Mr. Kabler made a motion that hearing HTZC 21-09 would be recessed to Monday, October 11, 2021 at 7:45 p.m. Ms. Manson seconded the motion. Mr. Kabler asked for a voice vote on the motion, all ayes. Motion carried.

Respectfully submitted,

Sherrie Steele, Secretary

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Mike Kabler, Chair

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Joni Manson, Vice Chair