

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

May 9, 2022

Chair, Mike Kabler, called the May 9, 2022, workshop meeting to order at 7:30 p.m. Mr. Kabler asked for a roll call of members.

Members Present: Mike Kabler, Joni Manson, Virginia Lewis (Zoom), Brittany Hoperich
Members Absent: Tom Nied, Bruce Hamill
Secretary: Sherrie Steele
Zoning Inspector: Not Present
Trustee Present: Carl Richison
Public Present: None Present

Mr. Kabler asked Mr. Richison to update the Commission. Mr. Richison stated he was here on behalf of the Trustees. Mr. Richison stated the Trustees had received a letter from Stephen Denz, 10679 Ridgeview Court. Mr. Denz states his neighbor is building an accessory building on the property that is not within the zoning code. Mr. Denz states Mr. Kurz has issued the neighbor a zoning permit. Mr. Denz states the Common Access Drive CAD sits on someone else's property and questions how the 50' setback can be established.

Mr. Richison stated he and Mr. Kurz met with the builder. The builder submitted a different set of plans that were approved by Delaware County. The plans submitted to Mr. Kurz were for a smaller building that was erected. The approved County plans were for a larger building. An attorney is now involved. The Trustees want to make sure Mr. Kurz is okay with the permit he issued.

The building is more than the required 50' from the center line. Mr. Richison stated the deed restrictions are not under township control. Mr. Richison stated there seems to be a lot of gray area when looking at Section 21.10P and 90' setbacks.

Ms. Manson stated the township should check with the Prosecutor's Office. CAD's are Class P roads.

Mr. Kabler stated this is the Dunridge subdivision that was divided into four lots in the 1960's or 1970's. Mr. Kabler stated that Jim Steelesmith has tried to mediate with no success.

Mr. Richison stated the structure is already built. Mr. Denz attorney has been in touch with the Prosecutor's Office.

Mr. Kabler stated there is nothing in the zoning code that is applicable to this property. The CAD was developed before zoning was in effect for the township. Mr. Kabler stated Class P is planned districts and this was a planned subdivision.

Mr. Richison stated the deed restrictions show 40' setbacks. Mr. Kabler stated the property is zoned FR-1. Ms. Manson stated the side and rear setbacks are 25'. Mr. Kabler asked what is recorded in the Dunridge subdivision. Mr. Richison stated 40' setbacks. Ms. Manson stated the property owner is safe either way.

Mr. Richison and Mr. Kabler stated the Commission needs to clean up the code to address future concerns.

Mr. Richison will inform Mr. Kurz that after further investigation the township feels the permit falls within the regulations of the zoning code.

Mr. Kabler passed out handouts from Mr. Nied regarding "Big Picture Issues" in advance of bringing the township's Zoning Resolution into line with the newly revised Comprehensive Plan. Mr. Nied was unable to attend the meeting.

Mr. Kabler stated he had received an update regarding access management. In speaking with Scott Sanders and Beth Fligner it was noted that there are no county regulations for access management. Mr. Kabler stated realtors and developers are highly opposed to access management. Mr. Kabler stated he was told access management mostly relates to commercial development and multi-family housing. Mr. Kablers stated townships have a right to create access management regulations, but Harlem Township does not have regulations. Harlem Township requires ditch and driveway permits. Mr. Kabler stated he has reviewed the ORC.

Mr. Kabler stated the Trustees may adopt a resolution for access management. The county engineer must draft the language. An advisory committee must be appointed which would include the county engineer, a registered home builder, a licensed realtor, a representative from DCRPC, a traffic engineer, a metro representative and three residents of the township.

Mr. Kabler stated he had submitted a question to Ms. Fligner regarding the number of curb cuts permitted on township roads and guidelines in the Master Plan. Ms. Manson asked if this is within ODOT regulations. Mr. Kabler referred to page 97 of the Master Plan and stated it is in the Master Plan but not in the Zoning Resolution and the Township has not adopted Access Management regulations.

Commission members reviewed minutes for corrections. Ms. Manson made a motion to approve the minutes of the April 4, 2022, monthly meeting as corrected. Ms. Hoperich seconded the motion. Mr. Kabler asked for a voice vote on the motion, all ayes. Motion carried. Ms. Manson made a motion to approve the minutes of the April 11, 2022, workshop meeting as corrected. Ms. Hoperich seconded the motion. Mr. Kabler asked for a voice vote on the motion, all ayes. Motion carried.

Ms. Manson stated she had received a mailing from Rodgers Garage on Robins Road. Ms. Manson stated the property is zoned FR-1. Ms. Manson stated a business is being run from the property and is not on the list of businesses in the township. Mr. Kabler stated Mr. Rogers he purchased the business and has been operating as a garage. The property has been operated as a garage prior to zoning. Commission members discussed referring the matter to Mr. Kurz.

Ms. Manson made a motion to request the zoning inspector to investigate the property at 14841 Robins Road dba Rodgers Garage. Ms. Hoperich seconded the motion. Mr. Kabler asked for a voice vote on the motion, all ayes. Motion carried. Mr. Kabler will forward the matter to Mr. Kurz.

Mr. Kabler then referred to the documents from Mr. Nied, Big Picture Items. Mr. Kabler stated Mr. Nied is building a list of issues that need to be addressed with the zoning resolution.

Mr. Kabler stated item #1 is Rural Character. Ms. Hoperich asked if we define Rural Feel in the Master Plan.

Ms. Manson referred to the language in Rural Character and stated she is not positive Mr. Nied wrote this. Ms. Manson stated there is wording that Mr. Nied would be aware that does not fit into Harlem Township and questioned if the language had been provided by Holly Mattei who is working as a consultant to the Strategic Planning Committee.

Commission members discussed at length if the township should define rural character/rural feel and the impact it would have on the township. Mr. Kabler stated he was not sure the township can define rural character. Ms. Hoperich asked if rural character is defined by population. Ms. Lewis expressed concerns that property owners would use "rural character" for "not in my neighborhood" objections. Ms. Manson stated the township residents tend to consider rural character as meaning no change. Ms. Lewis stated the last couple of rezones the Commission held there was discussion of referendums. We have to allow some change and it is not realistic to allow no change. Ms. Manson stated sooner or later there will be massive lawsuits in the township if we continue with referendums.

Mr. Kabler stated in an effort to maintain rural character we have to encourage farmland and tree lined roads. Ms. Lewis stated in the executive summary in the Master Plan, page XI, rural character came from the township residents so do we stick with it. Ms. Manson stated it does not belong in the zoning resolution. Ms. Lewis stated the Master Plan is not a legal biding

document. Mr. Kabler stated there will be too many issues if we try and define rural character. Ms. Hoperich asked if the Master Plan is a legal binding document to deny rezoning requests.

Mr. Kabler stated the Commission may need to rewrite the motion they make for rezoning approval. Mr. Kabler stated then the consensus of the Commission is that we do not define rural character. Commission members agreed.

Mr. Kabler referred to item #2 regarding detailed utility easements and asked if they are available to the township. Mr. Kabler stated the township would have to contact the utility companies. Ms. Manson stated it would be nice to have the information from the auditor regarding roadways and water.

Ms. Hoperich asked why easements matter in terms of zoning. Ms. Manson stated it helps to determine net acreage and you cannot put anything on an easement. Mr. Kabler asked if we need to redefine net acreage. Ms. Manson stated the Ohio EPA keeps changing the definitions for wetlands/flood zones. Mr. Kabler stated the zoning code does not have anything in definitions for net acreage. Mr. Kabler stated this needs to be addressed.

Item #3 General Development Standards addresses minimum building size. Ms. Hoperich asked if we allow smaller than 1500 sq. ft. how does that affect the tax base. Ms. Lewis stated she was in favor of removing the minimum building size. Mr. Kabler stated it depends on what zoning district we are looking at. Ms. Manson stated the building sizes are the same for all districts. Ms. Manson asked if we could have smaller houses in planned districts. Commission members will review standards for all districts.

Ms. Hoperich made a motion to adjourn. Ms. Manson seconded the motion. Mr. Kabler asked for a voice vote, all ayes. The May 9, 2022, workshop meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Sherrie Steele, Secretary

Mike Kabler, Chair

Joni Manson, Vice Chair