

## **MINUTES OF BOARD OF TRUSTEES, JACKSON TOWNSHIP, FRANKLIN COUNTY**

**October 28, 2008**

### **OPENING**

The Board of Trustees of Jackson Township, Franklin County, Ohio, met in regular session on Tuesday, October 28, 2008, at the Jackson Township Administration Building, 3756 Hoover Road, Grove City, Ohio. Mr. Burris, Chairman, called the meeting to order at 7:05 p.m. and invited those present to recite the Pledge of Allegiance. Mr. Burris gave the opening prayer.

### **ROLL CALL**

David Burris	Present
William Lotz	Present
Stephen Bowshier	Present
Bill Forrester	Present

The following reports prepared by Mr. Forrester were presented to the Board: Fund Status, Expenditure Account Status, Warrant Register, and Memos of Expenditure.

### **RESOLUTION 2008-107**

Mr. Burris moved to delete the reading and to approve the minutes for the October 14, 2008 regular meeting. Mr. Lotz seconded the motion. VOTE: all yes.

### **RESOLUTION 2008-108**

Mr. Burris moved to pay payroll, pay all bills and approve purchase orders for October 28 and November 11, 2008. Mr. Bowshier seconded the motion. VOTE: all yes.

### **OLD BUSINESS**

### **RESOLUTION 2008-90**

Mr. Burris announced that Resolution 2008-90 would remain tabled

### **NEW BUSINESS**

### **PUBLIC HEARING #1-RZ-2008**

Mr. Lilly presented background on Rezoning Application #1-RZ-08, filed on 7-23-08. Applicant and property owner is Kenneth Snyder. Property is located at 6205 Hoover Road, a 1 ½ acre site (Parcel #160-001171), a request to re-zone from “Rural Residential (R)” to “Community Service (CS)” for the purpose of operating a commercial automotive repair business at the property.

CS is the highest level of commercial zoning that Jackson Township has available. It is the only district that will allow automotive repair uses. The house located on the property is 1200 square feet with a detached garage behind the house approximately 2400 square feet. There is no permit on the garage which is presently being used as the automotive repair facility. This request began with complaints of zoning violations in January and February of this year. An appeal to the Board of Zoning Appeals was denied for a home occupation in April. That led to an environmental court case with Judge Hale. There was a provision to allow the property to be rezoned, which resulted in this request. The steps begin with the County Planning Commission who recommended denial of the rezoning at its hearing on September 10, 2008. The Jackson Township Zoning Commission recommended denial on October 6, 2008, and the Board of Trustees hearing is the final one.

Mr. Lilly then gave the same presentation that was given for the Jackson Township Zoning Commission on October 6, 2008, with pictures to illustrate. The area of Hoover Road and SR 665 is in our south central planning area. It is a commercial area. Our comprehensive plan says that commercial uses are appropriate; however, any commercial uses that negatively impact a residential use are inappropriate. He spoke of the required paved parking and Type A buffer needed. A licensed auto repair shop is required to have several permits--licensing, workers comp, and EPA hazardous material registration. The County Engineer would require an NPDES compliance for stormwater drainage to insure there is no runoff into the creek. They would also require a 30-foot dedicated right of way along Hoover Road. Board of Health also wants permits for both the well and the septic system.

Township concerns are:

1. Property is and has been in non-compliance all of this year—outside storage of inoperable parts.
2. A commercial use and a residential use on the same property is a difficult situation under our zoning code since we do not have a provision for this type of plan. The BZA denied a home occupation.
3. The garage does not meet any commercial building codes. There are no permits for the garage, nor does it meet any of our fire safety codes.
4. Other concerns are that 50% of the property is in the flood plain.

Mr. Lilly then read the basis for the recommendation of denial from the Franklin County Planning Commission as follows:

1. The proposed rezoning does not adhere to the Jackson Township Comprehensive Plan.
2. The Township has several concerns with the property.
3. The intensity of the zoning classification is not appropriate for an area bordered on three sides by an active cemetery.

No development plans have ever been submitted by the applicant or by the property owner to show how they would address any of our development requirements. Those development standards will also require variance appeals back to the BZA for more hearings due to the fact that there is a residence along with the business.

**Mr. Ken Snyder, applicant-owner**

Mr. Snyder sold some land to the cemetery in 1984. He also has sold five acres to Mr. Strader. He tries to accommodate Chuck Welch (rentor/business owner) who had a large repair business before he hurt his back. So, Mr. Snyder allowed him to downsize his business at the property. Mr. Snyder showed a picture of a 6-foot fence to screen the property. Mr. Welch cleaned things up and agreed to have about six cars outside, maybe less—just his own cars. Mr. Snyder wants to try to accommodate the neighbors.

In the 1990's it was zoned for commercial use, possibly warehousing. He does not have water and sewer and has no way to access it. It is a changing area. He could tear down the house and have it be a small repair shop.

Mr. Lotz stated that he was at the site today and saw 14 cars sitting outside. At 5:30 there was no one working, the garage was closed, and at that time there were 14 cars.

Mr. Burris agrees that the area is changing and probably should be zoned commercial, not sure that car repair is the right use for it. But if it were zoned commercial, we would not tolerate what is down there now. There are cars, and there are tires in view everywhere.

Mr. Snyder thinks this shop could work in a small way—tenant could even take the cars to another location to do the painting.

Mr. Lotz stated that as long as there is a residence on the property, there would be no way the Township could consider anything but residential with the house there. We have nothing in our zoning code that will allow residential and a business on the same lot except through the Board of Zoning Appeals, and applicant has already been denied there.

Chief Sheets addressed the proposal. Our prevention bureau works with the developer to see what kind of plan they will need. In this situation, there is no water supply out there, and we need a plan before the business goes in. We stick to the Ohio Fire Code. Access into the building is another issue.

**Tom Miller, 1545 Cree Court, Grove City and President of the Concord Cemetery Association.**

Additional problems with this project are noise and odor. The other problem with rezoning is if the current owner/tenant decides to give up the business, the zoning stays with the property. He expressed concern about what it would be used for in that event. He stated there has been a lack of respect shown the cemetery at different times.

**Gertie Teeters, 6345 Hoover Road**

She has been to every meeting that has been held on this proposal. Mr. Snyder rented to this man (Mr. Welch), knowing that he wanted to put his business at this location. All the people who live down there do have sewer available to them. She said that all the residents there have been fighting the problem since it started. She is concerned about all the cars and oil that may be going into the ground. She wants to know if the vehicles are registered and who owns them. She does not think the fence is effective.

Eileen Chilcote, 6363 Hoover Road

She asked whether a person starting business on a property should or should not get permission first. She stated that it is (zoned) residential there.

Charles Bare, 6331 Hoover Road

His concern is with the oil, antifreeze and Freon (fluids); where do they go? All the residents have wells in that area. He thinks the noise from the business cannot be screened effectively by the fence that is there, and the noise is not appropriate next to the cemetery.

Laurina Harper, 8143 Snyder Road, Orient

Her concern is that she has been to some of the funerals at that cemetery, and there is music blaring from the garage. The cemetery should be a peaceful place. The business is not appropriate next to a cemetery.

Mr. Burris stated that he has a letter from the Concord Cemetery Board of Trustees which reiterates some of the testimony about lack of respect for funerals being held there.

There is also a letter on file from Elizabeth Lauron, business owner at 2517 London Groveport Road, which is a veterinary clinic.

**RESOLUTION 2008-109**

Mr. Burris read Resolution 2008-109 and moved to rezone 6205 Hoover Road from Rural Residential to Community Service Commercial. Mr. Lotz seconded the motion. VOTE: Mr. Burris – no; Mr. Lotz – no; Mr. Bowshier – abstain.

**RESOLUTION 2008-110**

Mr. Burris moved to authorize supplemental appropriation line item transfer (for AEP and Delta Dental). Mr. Lotz seconded the motion. VOTE: all yes.

**RESOLUTION 2008-111**

Mr. Burris read Resolution 2008-111 and moved to authorize the transfer of funds from a federal disaster reimbursement back into the Road and Bridge Fund. Mr. Bowshier seconded the motion. VOTE: all yes.

**PROCLAMATION** – Mr. Bowshier read a proclamation to honor Duane Kesterson for volunteering his services to the Fire Department and to declare October 28, 2008 Duane Kesterson Day in Jackson Township. Since Duane was unable to attend due to illness, family members were present to receive the award.

**DEPARTMENT REPORTS****FIRE DEPARTMENT**

Chief Sheets reported on two fires, one a large fire at Fed Ex at 2:00 a.m., and a working fire where we assisted Hamilton Fire Department on South High Street. The fire at Fed Ex burned four trucks and a trailer used for storage.

**ZONING & ADMINISTRATION**

Mr. Lilly presented a written report and also reported:

- The Zoning Steering Committee will be meeting here next Monday, November 10.
- The Metro Parks is pursuing the development of their land. We have not signed the MOU although the Board has authorized it.
- BWC Safety Audit revealed only minor safety issues at each location. Everyone does a good job to make sure the facility is safe for our employees.
- Clean-Up Day was a huge success. Mr. Lilly would like to recognize the volunteers and employees who helped with a small gift certificate.
- As mentioned at the last meeting, we have begun an ongoing process with the County Engineer to review stormwater issues. There will be monthly meetings to consider ways of creating a Stormwater Utility. This is the first phase of this, and it will be a long process.
- Local Waste contract is up for renewal in 2009. Rates are in information that Mr. Lilly furnished to the Board. Grove City is going to authorize a one-year contract extension under the current terms of the contract. They are not going out for bids, and they are not doing a new contract. We should still have a resolution authorizing that extension and that will be on the agenda at the next meeting. We also will have a contract extension of SWACO on the agenda because there are two parts to this, both the hauling and the disposal. SWACO's fees did increase.
- Mr. Lilly directed attention to three other matters: the financial information in his written report, the plan that Danny has prepared showing the schedule of how salt will be applied this winter, and the fence issue in Berry Hill Subdivision, which is on hold.

Mr. Lotz noted the thirteen percent increase showing on the Local Waste contract extension that Grove City is committing to pay.

Mr. Burris inquired about the status of the land at Buckeye Ranch

Mr. Burris discussed having a meeting regarding the quarry issue on SR 104.

**Resident - John Orban 2386 Berry Hill**

Mr. Orban addressed the Board about the end of the dead end street and the fence issue in Berry Hill Subdivision.

**ANNOUNCEMENTS**

Mr. Burris announced the next regular meeting of the Jackson Township Board of Trustees will be on Tuesday, November 25, 2008, at 1:30 p.m. The meeting will be held in the Jackson Township Administration Building at 3756 Hoover Road. Caucus will begin at 12:45 p.m.

**RESOLUTION 2008-112**

Mr. Burris moved to adjourn. Mr. Lotz seconded the motion. VOTE: all yes.

Meeting was adjourned at 8:09 p.m.

**ATTEST:**

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William Forrester, Fiscal Officer

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David Burris, Chairman