

RECORD OF PROCEEDINGS

Violet Township Zoning Commission Meeting

May 20, 2014

Mr. Biancamano called the meeting to order at 7:30 p.m. and roll was called.

Members present: Mr. Decker, Mr. Bussom, Ms. Hogan, Mr. Palsgrove, Mr. Rowell, Mr. Biancamano were present. Also present was Kelly Sarko, Zoning Inspector.

Ms. Sarko read the application for Case Number 03-ZC-2014 rezoning filed by Tab Thompson, P.O. Box 447, Little Hocking, Ohio for property located at 7205 Babbert Place, owned by CASTAY LLC, P.O. Box 447, Little Hocking, Ohio. This application proposes to amend the Violet Township Zoning Resolution and rezone 7205 Babbert Place from the S-1, Limited Commercial District to the C-3, Unlimited Commercial District to allow contracting and service companies as well as the servicing of property vehicles and equipment.

The property is located at south of US33 west of Diley Road on the west side of Babbert Place. The property contains a single family home which has been converted into office space and two detached accessory buildings. The property was rezoned to the S-1, Professional and Commercial Services District on April 1, 1997. During that meeting it was noted that the house on the property is about 1000 square feet. It formerly housed Daff Construction.

The application states that the upper floor of the structure is used as an apartment. The proposed C-3 District does not permit permanent or mobile structures for residential use.

It was noted that properties on the north owned by Michael and Penny Damron and Babbert Real Estate Investment are zoned M-3, Unlimited Commercial District. The property to the east owned by RASL is zoned C-2, Limited Commercial and currently vacant. Immediately south of the site is land owned by Babbert Real Estate Investment and zoned C-3.

The Township Land Use Plan designates the area where 7205 Babbert Place as Business and Industrial.

Ms. Sarko explained the Zoning Resolution defines the C-3 Unlimited Commercial District as an area where in any commercial mercantile or trade activity; either retail or wholesale including repair shops and garages for storage, painting, welding and other services for automobiles, trucks, household appliances, motorcycles and restaurants of all types shall be permitted with the following exceptions: Yards for storage in the open of obsolete motor vehicles or any other obsolete merchandise or the disassembly of such obsolete merchandise to salvage usable parts or the reduction of such obsolete merchandise to usable scrap shall be prohibited. The C-3 District also permits uses in the S-1, C-1, C-2 and M-1 Districts.

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Fairfield County Regional Planning Commission considered this application during its May 6th meeting. The Commission accepted staff recommendation and approved the rezoning of the 1.12 acres on Babbert Place. The Staff recommendation stated: RPC Staff recommends approval of the proposed rezoning. The Fairfield County Future Land Use Plan recommends that this parcel be developed with Highway Commercial land uses. The Violet Township Land Use Plan identifies this parcel being developed as business and industrial uses. In addition, the plan has included the site within the US 33 Corridor concept area which is identified as being developed with business and industrial uses.

Tab Thompson, explained his request. He said the neighboring properties are zoned M-3, C-2 and C-3. He said he wants to maintain an apartment in the upstairs of the building. He said there is plenty of room to expand in the front. He said the water and sewer are good. He said a new driveway approach had been poured.

Mr. Decker asked what the immediate plans were if he were to get the zoning. Mr. Thompson said some type of service company like construction. It could be concrete prep and pour, landscaping, etc. He said he does not have an immediate tenant but has prospects and noted he needs the zoning in order to get a tenant.

Mr. Rowell asked if he wanted to maintain the residential section and wondered if that was acceptable as he thought it was non-conforming. Ms. Sarko asked how long the tenant has been there. Mr. Thompson said it had been used as an apartment for 20 years. The current tenant has just left. Ms. Sarko will have to research this particular issue.

One Commission member asked Mr. Thompson how the commercial use of the first floor would affect the use of the upstairs as a residential use. Mr. Thompson said he was not certain he was going to use it as an apartment but wants that option. Mr. Thompson said he could expand the business portion in front. Mr. Biancamano mentioned the nature of the business could affect who lives there. Mr. Thompson mentioned one option would be having one of the employees rent the upstairs apartment and that would also serve as security.

Mr. Biancamano noted any action of the Commission may have no effect on an existing non-conforming use.

Mr. Decker asked if Mr. Thompson was looking to sell the property. Mr. Thompson said not right now and he is hoping to lease it.

Ms. Sarko asked if he had on-site well and septic systems. Mr. Thompson said these had been inspected and that they complied with Health Department regulations.

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Ms. Sarko asked if the Health Department was aware the use was for a commercial use and had been so previously.

Mr. Palsgrove asked Dr. Land if he had any comments since he was an adjacent property owner. Dr. Land said he did not.

Mr. Decker made the motion to recommend approval of the application. Mr. Bussom seconded the motion. Roll call vote: Mr. Decker, yes; Mr. Bussom, yes; Ms. Hogan, yes; Mr. Palsgrove, yes; Mr. Biancamano, yes. Motion carried.

Mr. Decker asked if Ms. Sarko had talked to the attorneys about the Overlay District. Ms. Sarko stated she did and they indicated that Liberty Township in Delaware County is doing a similar Overlay District with different development standards and it is currently being revised. As soon as it has been revised they will send a copy to us.

Mr. Palsgrove made a motion to adjourn the meeting at 7:48 p.m. Mr. Bussom seconded the motion. Roll call vote: All aye.

Joniann Goldberg, ~~Zoning Secretary~~ Administrative Assistant

John Biancamano, Chair

Date