

# Violet Township Board of Trustees

January 3, 2007

## 2nd Public Hearing - Proposed Access Management Plan

Mr. Butcher referred to page 27 of the Access Management Manual regarding residential property. Since the last meeting, Mr. Butcher stated he has had internal meetings and has spoken with Mr. Yapple, Mr. Sabatino and personnel from the County Engineers Office.

Mr. Butcher added that there would be some judgment or discretion by the Violet Township Engineer in this issue. He also added that within this manual there are a few processes out there; one being the variance process and the other being the appeals process. He stressed that it is important to capture the verbage in the text making it clear to everyone.

Rocco D. Sabatino of 8987 Chevington Chase NW stated he feels there is a problem that will come back to 'haunt' the Trustees. He had a problem with the language that states the use of the access increases in actual vehicle volume by 20% or more. A 20% increase is such a low trigger that 99% of the homeowners who own property on township roads that are not in subdivisions property's will become 'Access Management violators'. Mr. Sabatino gave some examples of how someone could be a violator. He believes that it is set so low that it will make everyone an access management violator. Mr. Sabatino feels that a change of use in a residential property is by no longer using the property for residential purposes but you do file for a home business permit. The word 20% just does not work. He suggests that it be written for residential purposes that if you have a change in your residential zoning (which could include a variance, a conditional use permit or any other use) but if you have a delivery made or a houseguest and it triggers you as a violator that is when it is not workable. It all comes down to what constitutes a change of use. If you change the use of that residential property you are now subject to whatever zoning you change it to; access management or whatever.

Mr. Weltlich commented that it was his understanding that Mr. Butcher was going to get with Mr. Anderson and work through these numbers. Mr. Butcher stated he did and the numbers were not created in a 'vacuum'. This document started at the State level and was tweaked to the county level and then to our level. Mr. Butcher stated he is not opposed to changing the 20% but he feels we need to be careful that we do not 'co-mingle' the Zoning Code and 'Access Management'. He is not sure we really need to dive into recreating something that already exists.

Mr. Sabatino added that he did speak to Mr. Anderson on some of these issues and his perception on the discussion was that the State document that uses that 20% language. He is guessing that the 20% relates to commercial uses and not residential. Mr. Yapple suggested going into Appendix A under definitions and abbreviations and define 'Change of Use' to where single family residential would not be affected change of use to trigger and include the variance or condition use and require an evaluation and change of use but up until then those extra trips would not apply to straight residential.

Mr. Weltlich stated he agrees with Mr. Butcher in not wanting to inter mingle the Zoning Code and the Access Management Manual. He also agrees that the 20% seems to be strange to him without foundation. He suggested waiving the 20% all together and using the 5 or so trips. Mr. Sabatino stated that the problem you run into when you put a percentage or an arbitrary number of trips, every family runs into situations. Mr. Sabatino agreed with what Mr. Yapple stated was very clear that if it is residential it is residential. Single family is the key.

Mr. Dunlap suggested addressing this in the appendix as Mr. Yapple stated and leaving in the language that Mr. Butcher has suggested consistent with on-going change'. **Mr. Dunlap moved to continue the hearing until the next regularly scheduled Trustees meeting at 8:00 p.m. on January 17, 2007 to give everyone time to review everything as well as get back to Mr. Sabatino. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion passed.**

Mr. Dunlap made a motion to close the continued public hearing and resume the Regular Session of the Trustee meeting at 8:23 p.m. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.

**January 3, 2007**

Respectfully submitted,

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Jim Van Kannel, Fiscal Officer

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Joniann Goldberg, Zoning Secretary

Approved By:

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Gary P. Weltlich, Chairman

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Date

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Harry W. Myers, Jr., Vice-Chairman

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Terry J. Dunlap, Sr., Trustee