

Scioto Township Board of Trustees
Public Hearing Meeting
December 14, 2011

Chas Kaiser opened the Public Meeting to discuss the proposed amendments to the Scioto Township Zoning Resolutions. Ed Roberts the Chairman for the Zoning Commission has provided us with the proposed amendments. We are re-certifying basically due to language and correct spelling.

Ed Roberts: And notice.

Chas: Notice. Does the Board have any comments?

Sandra: No.

Rodger: No.

Chas: Public? Andy

Andy Zarins: I have several comments.

Chas: About the re-certification?

Andy: Yes, if you are talking about the proposed amendments.

Chas: Correct. If you have comments you need to use the microphone.

Andy: I have several general comments; essentially the principle seems to be lost in the Scioto Township Zoning Resolutions is that any restriction on any property usage decreases that property value. In some cases the restrictions can be justified. There can be intrusive property uses that disturb neighbors, such as noise, endangerment of shooting across property lines, wandering people, animals, mounds, dust and pollution and so forth, which decreases the value of neighboring properties.

Chas: Does this have anything to do with the approved amendments we are talking about?

Andy: Yes, This is my general comment; this seems to be lost in what Zoning is all about. Of course regulations should protect the safety and health of residences, as I mentioned of the resolution. Thus the building resolution needs to balance restrictions placed on the property. So the problems can resolve without restrictions and this principle seems to be mostly lost in the Scioto Township Resolution and more significantly in the presenting proposed amendment.

Chas: Amendments.

Andy: I have some more significant comments. I think in general the proposed amendments are very poorly written and I suggest they be scrapped. The person who has technicality writing ability should be writing these types of resolutions. One example of the poor writing is that the handout that I received at least from Susan Beckley is that there are no page numbers. It even appears that my page 5 as it was given to me should be page 7 not 6.

Sandra: Chas, what number and verse?

Chas: Pardon me?

Sandra: I want what number and verse that is upsetting him about them and not generality.

Sandra: Just give us chapter and verse of what you do agree with, please.

Andy: Alright. Well this might be a little bit of general account on page 1, a very incompetent draft.

Sandra: I am not worried about the grammar. I want to know what you disagree with and what are your concerns?

Andy: Alright. My concern is in reference of the ORC for definitions, I think that is absurd. That's just a poor way of bookkeeping. More significant example on page 2, why there should be an explanation of the one mile separation for various Adult Family type homes. If you go to ORC 5119.72 says nothing about a one mile separation. So the one mile separation is a fabrication on the part of the Scioto Township Zoning Commission. That's their own idea.

Sandra: What's the number on that one?

Andy: 5119.72 refer to section D

Rodger: Section A.

Andy: There are several parts of 5119.72 that refers to constitution not just one mile separation. Trying to be more specific the concerns the people should have and that I would certainly have is, will the residents in these group homes make a lot of noise. How's that going to be addressed? Will these residents wonder out of these group homes and will they intrude into other properties, damage or steal property.

Will these residents need walking facilities? That needs to be addressed. Will you need a sidewalk for them? Depending on what kind of residents you have or maybe some of them might be criminal type of residents. They use to have these types of people on Hill Top area on West Broad Street. They have done away with and some of these people

have moved into small facilities. There use to be some crazy people wander around on West Broad Street.

Rodger: There still is.

Andy: Still are maybe, I don't know, I haven't been there for a while. So if you are going to have these facilities maybe you should have something in the Zoning Resolution that you may be required to have a chain link fence 10 feet high or whatever it might take or a security gate. I think that is something that needs to be addressed.

Another issue I would have with a commercial facility, you should have a restriction on what type of roadway you are going to allow this facility. Scioto Township has several one lane roads with two directional traffic. So if you and 8 to 16 residents or whatever it might be plus there will have doctors, nurses probably coming, plus family members to generate more traffic. So that should be addressed. What are you going to do about traffic? In general I really don't think there is no reason why you come up with one mile separation quite conversely you could have somebody that's willing to have a suffering adult facility that is 1/8 of a mile away and someone else could have a good facility for that. But I do think you need to address the intrusion on the adjoining property. As far as wondering people who might be retarded or whatever problems they got, disability problems. Some people that are disabled but they are giant but they got very weak minds.

Sandra: The "R" word is considered politically incorrect now.

Andy: What's that?

Sandra: The "R:" word retarded.

Andy: I think it's still in the ORC.

Sandra: I am just letting you know.

Andy: Well whatever, I don't know. Where you got a mental disabilities phrase.

Sandra: That's fine.

Andy: Well I don't know.

Sandra: Actually they call them developmental disabilities.

Andy: Okay.

Andy: The other specific comment I have is on page 3 on the handout I got. I'm sorry page 4. It is on the article on section 7.04 (N) and PRD section 10.04 (C) on being deleted. I guess my question would be does this mean the gray facilities will not be

permitted in a FR-1 or a PRD type of zoning area. To me it appears someone is trying to sneak this in referring to the ORC but really sneak in what they themselves desire and not necessarily following the ORC. It's a very sneaky way.

Another problem I have is amendments to they are very poorly written, but on page 6 which refers to the IRS. As far as deterrent some sort of a property value on what it can be appraised at after it has depreciated and so forth. I think that is totally very poor taste and ridiculous that you are going to have a poor property owner that's already got enough grief because the property got damaged. Now he has to go through the IRS which might take months or years before they have an answer. So what's that property owner suppose to do in the mean time? That's an absurd situation. I think on these types of situations where there is property damage, I think Scioto Township should step forward and help the people and not stomp them in the mud. That's exactly what you are doing with that type of amendment and resolution. The property owner has to deal with the Insurance Companies, banks and the whole bit probably. Instead of making it easier you are trying to make it more difficult. There must be some sinister motive behind that.

I got another, maybe it's a general comment, these resolutions, and the word used is amended. I guess I have a question, what does that mean "amended?" It's like how can something be amended when it's being proposed? Kind of a dramatic problem there. Let's be specific, what are we talking about?

That's about all I got, but I think in general, I think this is a poorly conceived proposal for a resolution or amendment or whatever you want to call it. I think the whole thing should be scraped and start all over.

Chas: Ed, do you want to speak?

Ed: Alex Andrews and I are here to present the amendments. Mr. Zarins, I believe has presented to you an opinion without an educated understanding of what the process is all about.

Let's talk about it in general. Number 1 the majority of these amendments are being proposed to bring our resolutions into compliance with the laws that have changed within the ORC. His comment about adult homes and group homes literally the legislation has changed the definitions that we originally had and that is what the deletions are about is to get rid of the references were made earlier and replace those with what the legislatures has defined. Now gee, one of his references was it is poorly written. He evidently takes objection to referring to the ORC at one point in time when we were going through this process we literally cited the ORC word for word. Mr. Betts, our legal advisor came to us and said, I would prefer you not do that because of the legislation pertain for changing regulations. If you use it for a reference as opposed to reciting it chapter and verse you find future amendments becoming unnecessary.

He is concerned about the mile, literally our resolution currently without the amendments. That's what we have always referred to is a mile distance between these

types of facilities. That's where it all came from. It's not a fabrication. It's what was adopted originally when the Township voted to bring Zoning into the Township.

Bottom line is we think what we have taken care of this situation with what the legislature has changed. We have new definitions as defined by the legislation. We've taken those references out, we've inserted them where they need to be inserted within the resolution under permitted or non-permitted or prohibited uses. We've added the mile separation where we are permitted to. Now to clarify.

Chas: You didn't add the mile separation; you just included it, right? As it was before.

Ed: Yeah, but what I want to emphasise is we are not permitted to have that mile separation in all instances with these types of homes. Some of the homes can be sitting side by side. That's just the way the law has been written. We have little choice in that. Quite frankly the only reason we took on these amendments to start with above and beyond the revised code changes, if we don't have the verb age that we are recommending in the resolution. I'll use myself as an example. If I decided I wanted to have a group home for those that need services. There is absolutely nothing you can do about it from a zoning stand point or a township resident. At least with the Zoning portion of it in the resolution, we can add separation for certain types of homes. Am I making sense, do you understand what I am trying to say?

Sandra: Yes.

Ed: Alex, do you have any comments?

Alex: No, I think you got it. The definitions group properties were written in 1994 when the original resolution was adopted. It hasn't been changed since. But the legislature had adopted all kinds of different homes to distinguish between the different sizes, types as to whether it is a 5 to 6 or 13 to 16. They have changed the regulations of it within the ORC to put them under different branches and different agencies of state government. These amendments are just trying to catch up with what the legislators have done. Under the ORC a Township has very limited ability to even propose Zoning on these types of homes and their limited ability to prohibit them from certain Zoning districts within the Township. So that we have done is to take advantage of those abilities given the Township to regulate where these houses can go. That's here in these new definitions.

We continue the one mile separation between those homes where we are permitted to do so. But largely the legislators have said "Hands off Zoning Commission and Township Trustees" we are going to regulate this from the state level and they have. We take advantage of the ability that with regulation we can by limiting what district they can cover. That's an important part of these amendments.

Andy: I won't address these poor writing comments or that the fact that you feel that the reference to the ORC is absurd. But his concern about noise, about people wandering off these kinds of facilities, about having sidewalks, having criminals, crazy people

possibility being residents. Those are not issues for Zoning Resolution for Zoning to address. Those issues are to be addressed when a group home wants to be certified by the State to open up. They will have to present some sort of plan for addressing these issues whether sidewalks or whatever. Of course we can address traffic as you know.

Unless you want a very detailed explanation of what type of home and all that kind of stuff, that pretty much covers what we have.

Chas: Questions? Thank you gentlemen, I don't have any.

Rodger: I guess the only comment I have is you cite the ORC in here, you know for our reading rather than having to go look up the ORC to read. It might have been nice to just have all current, you know, some where you know, on a separate page.

Alex: Absolutely, Could not hear the remainder of Alex's comment.

Rodger: No, I've already read it. I've already read it.

Ed: Consider it a history document to support the amendments.

Rodger: That was my only comment on that, it would have been nice to say just okay this page, that's what that is rather than having to look it up.

Alex: Alright, but two things in response. We've spent almost a year going over the particulars topic going over and over in the meetings primarily it's not an easy hearing. These definitions and what type of home is for what and all that kind of still. See from our balloon chart we tried to make sense of the terms ourselves. As originally drafted it did include the specific verb age from the ORC in our Zoning Amendments. On advice of Counsel we reverted back primarily because of legislators (can't hear) Alex and Rodger are talking at the same time.

Rodger: Oh, I understand that point it's just, you know, it's you know, when I went to look it up I have to look for this or this one and this one any you know, which is you know I did you know, but you know, it probably would have been easier, I don't know if Mr. Zarins has easy access to a computer or the ORC. It might have been a lot easier to read if we'd had correct and a page in here saying a current definition you know, per you know, but you know, I looked it up, I read it and no big deal. That's my only comment.

Alex: There are a number of free web sites that contain all of the ORC.

Rodger: Right, right, other than that I don't have anything else.

Chas: So on the re-certification let's vote.

Rodger: A motion to approve all of the proposed amendments to the Scioto Township Zoning Resolutions as presented by the Zoning Commission.

Andy: Can I make a response to their comment?

Sandra: I second the motion.

Andy: I can't make a response to their comment to show you where they are wrong?

Chas: No.

Susan: May I have a vote please.

Andy: So you are going to vote on incorrect information. Go for it. Be irresponsible.

Chas: Yes Sandra: Yes Rodger: Yes

Sandra: I would like publically to thank the Zoning Committee for all the work that was put into this. All the hard work. It's not something I would want to do. Thank You.

Ed: All we are trying is to keep the resolution current with the changes the legislators

Sandra: You are appreciated.

Chas: Public meeting closed at 6:55 p.m.

Susan Beckley, Fiscal Officer