

**KINGSTON TOWNSHIP ZONING COMMISSION  
MEETING MINUTES**

**APPROVED: October 17, 2007**

**DATE: September 19, 2007**  
**LOCATION: Kingston Township Hall**  
**TIME CALLED TO ORDER: 7:02PM**

<b>MEMBERS PRESENT:</b>	<b>(CHECK ONE)</b>		
<b>BURRELL</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>AKERS</b>	<b>YES</b>		<b>NO X</b>
<b>GROVE</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>COPE</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>HARSANY</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>DEAVERS</b>	<b>YES</b>	<b>X</b>	<b>NO</b>
<b>TALBOTT</b>	<b>YES</b>		<b>NO X</b>
<b>STITES</b>	<b>YES</b>	<b>X</b>	<b>NO</b>

**PUBLIC PRESENT:** Harry & Elizabeth Akers, Roger & Sudie Oakes, Kas Poderys

**PUBLIC INPUT/COMMENT:**

Harry & Elizabeth Akers appeared before the Commission to discuss their desire to operate a one unit bed and breakfast in their residence on Clark Road. They had been invited to the meeting by the Zoning Office for Zoning Code clarification since the proposed use is not addressed. Their idea was to target educators for discrete, occasional use of their home and wooded property while traveling through Ohio; serving organic food in a natural environment. They indicated that they had talked to adjacent neighbors, and received no negative comments.

Member Deavers suggested that the Akers might need to go through a Zoning Text Amendment Process to legitimize the use. Members Burrell and Harsany suggested that a quick review of Section 7.04 Conditional Use should be made. The Commission and the Akers proceeded to discuss their proposed use in relationship to the seven listed restrictions. Upon completion, the Commission advised the Akers that they felt the proposed use did comply with all seven restrictions, and suggested that they should proceed with a Conditional Use Application to the Board of Zoning Appeal for consideration.

Kas Poderys appeared before the Commission upset because of his inability to purchase three cemetery lots and receive telephone responses in a timely fashion from cemetery officials. He indicated that all he was seeking was an accurate cost figure to purchase the lots and directions on where to send the money. Mr. Poderys was informed that his telephone number and request would be passed on to Fiscal Officer Roy, and that further dissatisfaction should be brought to the attention of the Trustees.

Roger and Sudie Oakes appeared before the Commission to discuss their desire to purchase the 60+ acres for sale adjacent to the Township Hall, and to develop the property with a residence, maintenance barn and up to thirty-two ultimate frisbee turf fields.

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Mr. Oakes defined ultimate frisbee as a seven on seven team competition comprised of twelve to twenty-five people at the college level and about twenty people at the club level (beyond college). He expressed his desire to find a site where he and his wife would promote tournaments; five to seven weekend tournaments attracting twelve to sixteen teams with 350 to 400 participants, and approximately two large tournaments each year attracting up to 3,000 participants. Entrance fees would be charged generating approximately \$20,000 to cover event costs and field expenses. Mr. Oakes asked the Zoning Commission if such a proposal would be possible within the present Zoning Resolution.

The Zoning Commission responded that his proposal did not comply with the Farm Residence District (FR-1) designation for the property in question. Members expressed concerns regarding traffic, noise, lighting intrusions, sanitary accommodations and spot zoning. The Commission advised Mr. Oakes that his proposal was commercial in nature, and would likely fit within the definition of a Recreational District (REC) found in Article 18 of the Kingston Zoning Resolution. The Commission also indicated that another option might be to consider a Planned Residential District with a Recreational District overlay. Considerable discussion took place among the Commission concerning Spot Zoning in relationship to Mr. Oakes idea. He was informed that an Amendment of the Zoning Map involved a lengthy public hearing process including involvement from the Delaware County Regional Planning Commission, and it was suggested that he should consult a Zoning Attorney for advice. He was also advised that a rezoning request could only be filed by the owner of the property, and that no outcome could be predicted from the public hearing process.

All three parties thanked the Zoning Commission for their time and consideration.

### **APPROVAL OF MINUTES:**

Member Deavers made a motion to accept the Meeting Minutes dated August 15, 2007. The motion was seconded by Member Grove and was unanimously approved.

### **ZONING REPORT:**

The Zoning Commission was provided a copy of the Zoning Report August 2007 *attached as Item 1*. Members were updated on a number of issues including the Northstar Final Plan Review; litigation status and public records request involving The Pastures at Blue Church; the Infrastructure Study; and, final actions completed with the PRD/Definitions Zoning Amendments.

Other handouts included a copy of the five-year history of zoning permit activity *attached as Item 2*; a copy of the Zoning Fees adopted 01-03-05 *attached as Item 3*; information concerning temporary storage facilities *attached as Item 4*; information involving a change of administration and use of the Delaware County Refuse Transfer Station *attached as Item 5*; installation regulation changes regarding manufactured homes *attached as Item 6*; and, a number of zoning related newspaper and magazine articles from May to August, 2007 *attached as Item 7*.

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The Zoning Commission was provided a copy of the Commission Roster updated September 2007 to include new alternate William Steinhoff attached as Item 8, along with individual copies of a letter received from Hylant Administrative Services (*attached as Item 9*) informing those named in The Robert Weiler Co. litigation that The Ohio Plan had assigned Attorney John Albert to the defense team.

Members were informed that the Zoning Office would be closed on September 28, 2007 as Zoning Inspector Talbott was unavailable to provide coverage, and Zoning Inspector Stites was taking leave.

### **OLD BUSINESS:**

Members were informed that the Trustees had completed interviews for the vacant Zoning Commission position on September 5, 2007, and had reappointed Jeanna Burrell to serve a five-year term from August 2007 to August 2012. During the same process, the Trustees appointed William Steinhoff to serve as an Alternate. Both Members were congratulated by the Commission, and Member Steinhoff acquainted the Commission with his background, training and interest to serve the Township.

### **NEW BUSINESS:**

Attention then turned to the unfinished Kingston Township Comprehensive Plan. Members were provided a copy of a list of all computer e-mails and documents found during research related to the subject *attached as Item 10*. In addition, six printed versions of the plan were discovered in various stages of revision. After discussion and review, the Commission felt that computer document Comp Plan 2 dated December 2005 was the most recent version of the plan. The Commission also felt that the printed document dated November 22, 2006 was the most recent version; however, Secretary Stites was instructed to compare several others to verify the decision.

Once confirmed, Secretary Stites was advised to copy the most recent computer file onto a CD Disc, and distribute the information to each Member so that they might review and prepare comments for discussion at the October Zoning Commission Meeting. (This task was completed.)

### **FOLLOW UP ITEMS:**

Based on discussions with Roger Oakes regarding rezoning, the Commission felt that it would be good to invite Paul Deel from the Delaware County Regional Planning Commission to a future meeting to discuss Spot Zoning; to define it and provide examples of good and bad zoning decisions.

### **ADJOURNMENT:**

#### **MOTION:**

Member Cope made a motion to adjourn the meeting. Member Harsany seconded the motion and the motion was unanimously approved.

**TIME: 9:10 PM**

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**SUMBITTED BY:** Dave Stites, Zoning Secretary

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