



Richland County Regional Planning Commission
Zoning, Subdivision and Land Use Review Committee (ZSL)

MINUTES

July 14, 2020

Video conference <https://global.gotomeeting.com/join/479056917>

Attendance

Members Name			
Adam Gove	Present	Sarah Howard	
Jonathon Elgin	Present	Adam Gongwer	Present
Pat Dropsey		Larry Weirich	
Elaine Kiefer	Present	Debra M Jones	Present
Joe Harrod	Present	Kevin Payne	
Andy Smallstey		Marc Milliron	
Kara Russel	Present		
Matt Wallace	Present	Guests	
Joe Gies	Present	Dave Siebold	
Bob Mccauley		Kelly Rose	
		Staff	
		Jotika Shetty	Present

Secretary Jotika Shetty called the meeting to order at 9.30 AM. In the absence of Chair Sarah Howard, Elaine Kiefer made a motion to appoint Jonathon Elgin as the pro-temp chair and Debra Jones seconded. The motion was passed unanimously. Jonathon confirmed attendance and quorum. There were no changes to the agenda.

The minutes for the May 21, 2019 meeting was distributed for review by email. Adam Gove made a motion to accept the minutes as submitted and Elaine Kieffer seconded. The motion passed by unanimous voice vote.

Application for a variance from the Richland County Subdivision regulations requiring existing utility easements on lots 2, 3, 5, 6,7 in the Millsboro Heights, Springfield Township

Applicant: Kelly Rose

Jotika presented the application. Homeowner owns lots 2,3,5,6 & 7 within the Millsborough subdivision in Springfield Township platted in 1979. He would like to have them resurveyed to create Parcel #1 (Exhibit A) to construct a home for self.

The current requirement for septic systems limits the location of the house and the septic system to areas in the existing side and rear 12' utility easements in lots 2, 3,5,6 &7

which fall within the new single parcel. This construction on the easements would require a variance from the Subdivision Regulation that requires the 12' rear and side utility easements.

Lots 1 and 4 have existing homes and separate utility easements along rear and side yard. Existing utilities are located within right-of way Millsboro East Road.

Jonathon mentioned that the plat as recorded does not specifically grant the utility easement to any entity or to the utility companies. So it is a an easement to the public as recorded and does not require any action from the utility companies or other entities. Our subdivision regulations are silent on replat requirements to vacate an utility easement within a platted subdivision, therefore by the granting of the variance Regional Planning will be destroying the easements by not requiring them.

The staff recommendation is to grant the variance from the Richland County subdivision requirements of having side and rear 12' utility easements along the lots 2, 5, 3, 6 and 7. For the following reasons.

- a) In this case, the site conditions for septic system require that the home and septic be sited on the land occupied by the utility easements.
- b) The lots are surveyed into a single parcel and the utility easements are not required by the homeowner. The variance to vacates the easements would be the minimum variance required to make this a possibility.
- c) It would not negatively impact the neighborhood in other terms. Existing homes in the subdivision have own utility easements and are not impacted by the vacation of the easements or granting of the variance.
- d) The unusual and non-repetitive nature will be addressed that no new lots can be created by any new subdivision.

Jonathon Elgin made a motion to accept the Staff Recommendation as presented and to approve the variance by the Regional Planning Commission. Elaine Kiefer seconded. The motion passed by unanimous voice vote.

The variance resolution should be recorded with the subdivision plat.

Non-Binding Recommendation for Springfield Township Amendment to Zoning Text to reduce the rear yard setback in RR, R-1 and R-2, Townhouse and Multifamily district from 40 feet to 10 feet

Applicant: Springfield Township Planning Commission

Jotika presented the application. The Township wished to reduce the rear yard setback to be consistent with side yard setback of 10 feet.

Lot requirements like front, rear, and side yard setbacks determine where on the lot the building could be located. Floor area ratios relate the size of a building to the size of its lot. For example, if a lot is 10,000 square feet and the FAR is 0.50 then a building of 5,000 square feet is permitted. The Springfield township resolution does not have any FAR requirements. Lot setbacks and FAR are the primary way to regulate the amount building coverage of the lot that can be occupied to allow for open space and storm water management.

Springfield Townships minimum lot requirements for RR, R-1, R-2 districts is 20,000 ft with two (2) units per acre. Unlike urban lots which may be as small as 6000-10,000 sq. ft, these are substantial larger sized lots not limited by size. Since there is no depth limit on the length of a building, residential zones require a rear yard setback to provide privacy and daylight for occupants and the residents of adjacent buildings. The distance a house extends into the rear yard may create overlook issues with neighbors. This may be also true when rear yards abut side yards of neighboring properties. A larger rear setback allows for plantings and mature trees that do not intrude into neighboring properties. The township ordinance does not have a setback requirement for accessory structures allowing for them to be located anywhere in the side and rear yards. Requiring a larger rear yard setback ensures that there is room for accessory buildings in the future. The township maybe faced with increased variance requests to locate accessory structures in the front yard if there is no rear yard available. Higher intensity conditionally permitted uses in the RR, R-1 and R-2 districts include schools, churches and recreational buildings that can create intensity of uses that require separation from surrounding residential uses. Current household sewage system requirements require septic systems to allocate area for a backup system in case of failure. This restricts the amount of lot that can have buildings on it.

Jotika mentioned that neighboring Ontario had a 40 feet rear yard setback. The smallest yard setback is 25 feet in a Township. For these above reasons the staff recommend that the rear yard setback not be reduced below a minimum of 25 feet from the current 40 feet.

Note: The Township zoning resolution does not have a "Townhouse and Multifamily District" in the text or map except in the schedule of regulations that details the height, bulk density and area by zoning district. This is an oversight and should be removed from the schedule.

Matt Wallace commented that very small rear yards have had drainage challenges for SWCD.

Jonathon Elgin made a motion to accept the staff report to recommend that the Springfield Township modify the amendment to reduce the rear yard setback to no less than 25'. Elaine Kiefer seconded. There being no objections the motion carried.

Non-Binding Recommendation for Springfield Township Amendment to Zoning Text to allow "by right" as a permitted use 'Seasonal Entertainment' within the Industrial (I-1) Zoning District

Applicant: Joseph Ball

RCRPC staff Jotika, presented the application submitted by a resident to Springfield Township to amend the zoning text. The amendment would "by right" allow as a permitted use 'Seasonal Entertainment' within the Industrial (I-1) Zoning District. Seasonal is defined as no more than one season per year of no more than 50 days duration.

This amendment was previously submitted by the applicant in March 2019 and the staff provided a letter dated 03-27-2019 to the Springfield Township Planning Commission recommending the denial of the amendment for the reasons stated in the letter. After further discussions with the Springfield Planning Commission and the nature of the seasonal events, the staff is of the opinion that the text amendment be denied as submitted but recommends that it be approved if the following modifications are made.

Allow for seasonal events as a conditional use within the Industrial (I-1) Zoning District.

The staff is recommending the attached Seasonal Event Conditional Use regulations be considered by the Springfield Township Planning Commission (STPC) for amendment to their Zoning ordinance. The staff of RCRPC can further help the STPC to craft the regulation to fulfill their needs.

Kara Russel commented that the staff regulations are not written with one use in mind but are general and cover other events. Whenever additional structures like chutes are permitted they may require additional permits from building department. Jotika commented that during the permitting process the applicant should be made aware of these responsibilities. The conditional permit can be revoked if the conditions in the permit are not met.

Adam Gove pointed that the regulations should read "require offstreet parking" and not "not require off street parking". It would be corrected.

Jonathon wanted to caution that whenever a use is approved as a conditional permit that the Township officials are careful that they are reviewing procedural requirements of the zoning resolution and not judging the content of the event. That is they cannot be arbitrary and allow a Christmas fair but not a warlock festival. If they are not careful about this it may cause challenges and problems.

Adam Gove made a motion to accept the staff report with correction to parking to make a non-binding recommendation that the Springfield Township modify the amendment and allow seasonal events as a conditional use in the I-1 Zoning District. Matt Wallace seconded. There being no objections the motion carried.

Discussions regarding replatting requirements in the subdivision regulations.

Discussion followed about the replat process and when and how they should be required. It was agreed that some process for different conditions be in the regulations. Jotika will work with stakeholders and bring it back to the committee.

There being no other business to discuss, the meeting was adjourned at 10.30am by a call by Jonathon Elgin, seconded by Kara and duly passed.

Submitted by:
Jotika Shetty