

Washington Township Zoning Commission and Board of Zoning Appeals Informational Meeting

October 28, 2024, 6:00 p.m., Administration Building, 6200 Eiterman Road, Dublin, Ohio

Present: Brenda Sickle Santanello, Patrick Wilkerson, Stephen Sharpnack, Members of the Zoning Commission; David Downs, Chris Wiser, Members of the Board of Zoning Appeals; Rebecca Princehorn, Legal Counsel, Bricker Graydon LLP; Eric Richter, Township Administrator and Zoning Inspector; Angie Lawler, Township Management Assistant

Introductions

Attendees took a moment to introduce themselves and provide a brief background.

Township Updates

Mr. Richter provided a brief summary of current events within the township, which includes the entirety of the City of Dublin:

- Dublin recently purchased land, including portions in Madison County. The city is currently in the process of annexing that land into the City of Dublin, conforming its boundaries to Washington Township. Since the land will be incorporated, the Zoning Commission and BZA will have no action items;
- Mr. Richter also provided information on the unique parcels located in the far Northwest area of the township, of which half of each parcel is in Washington Township and the other half in Jerome Township. He noted there is an agreement between the townships to allow Jerome Township to control the zoning designation of those parcels, which would require action by the Washington Township Zoning Commission should Jerome Township ever change the zoning designation.

Ms. Princehorn recommended that the group review the Washington Township Zoning Resolution, paying special attention to the various Zoning Districts outlined in the document.

Role of Zoning Commission and Board of Zoning Appeals

Ms. Princehorn outlined the roles of the Zoning Commission and the Board of Zoning Appeals (BZA), both bodies requiring public notices of meetings:

- The Zoning Commission is in the legislative realm of the Township's zoning. She explained that requests for changes to the zoning designation of a parcel would go before the Zoning Commission. In turn, the Zoning Commission would present its recommendation to the Township Board of Trustees, which would include a referendum period should any resident desire the change to go before residents for a vote. She noted that type of pressure has not been present in the Township since the early nineties with the rezoning of the land where Fishel Industrial Park is currently located.
- The Board of Zoning Appeals (BZA) is a quasi-judicial body, applying the law outlined in the Zoning Resolution to a case. Most cases before the BZA involve the owner wanting to do something that does not quite adhere to the Zoning Resolution. The BZA determines whether the case meets the criteria of a hardship as outlined in the Zoning Resolution. She noted the main difference between the Zoning Commission and the BZA is that the BZA issues the final order. Disagreement with the ruling of the BZA by the owner, or the owner's representative, may result in a lawsuit.

Mr. Richter provided the example of the most recent variance request presented to the BZA. The owners of the property had a house fire that caused a lot of smoke damage and, with additional considerations, decided to tear it down and rebuild. The damaged home preceded the current Zoning Resolution, so was “grandfathered” in on some of the setback requirements. Mr. Richter outlined the staff report provided to the BZA, noting that the design of the new construction is on roughly the same footprint as the previous home, and falls in line with the surrounding properties. Without approval of the variance, the owners could not legally rebuild a residence on the property. The staff report recommended approval of the variance. Mr. Richter explained that in this case, the BZA agreed with the staff report. However, it is within the BZA’s discretion to make a decision that contradicts the recommendation in the staff report.

- Ms. Princehorn explained that the rules and regulations are common to both the Zoning Commission and BZA.

Township Zoning vs. Municipal Zoning

Ms. Princehorn stated that not every township in Ohio has its own Zoning Resolution, those who do not default to their County Zoning Resolution. Washington Township’s Zoning Resolution is similar to municipal zoning, using zoning that allows cities to determine zones or districts. The City of Euclid, Ohio, pioneered this type of zoning nationally.

Board Standards and Conduct

- **Adopted Rules and Regulations**

Ms. Princehorn outlined the board standards and conduct, providing a handout of the rules and regulations, which include procedures for conducting meetings and eliciting information from the applicant. In general, both bodies default to Robert’s Rules of Order.

- **Adopted Procedures for Alternate Members**

Ms. Princehorn provided the resolution adopted by the Washington Township Board of Trustees outlining the procedures for alternate members of the Zoning Commission and BZA, as prescribed by Ohio Revised Code.

- **Guidance**

Ms. Princehorn provided a copy of general guidelines for all members of the Zoning Commission and BZA.

Q&A / Conclusion

Ms. Princehorn provided historical information for the township, recalling an issue on the ballot to merge Dublin and Washington Township. The city of Columbus was not in favor of this merger, in fear the action would prevent any further expansion of Columbus, and took measures to prevent it through communication to voters.

Additionally, Ms. Princehorn detailed why Washington Township is the only township in Ohio to span three counties. She explained that Muirfield was in Concord Township in Delaware County, in the jurisdiction of Concord Township’s fire department, which was volunteer at the time. Unfortunately, there was a fatality when the fire department could not arrive to the scene in time. Dublin could not afford its own fire department at the time, so decided it would conform the city’s boundaries to Washington Township so Washington Township would cover Fire and EMS. This resulted in a case before the Ohio Supreme Court, to allow Washington Township to

expand across county borders. Ms. Princehorn recounted that her firm represented the City of Dublin, and she was fortunate to have specialized knowledge in township law, so was able to represent the case.

There was discussion around how townships pay for the services they provide. Ms. Princehorn outlined the function of a property tax levy, and the minimal local government fund. Mr. Richter noted that Washington Township is in the fifteenth year of renewal of the Fire Operating levy, and that it will be on the ballot next year. He explained that the Board of Trustees is currently working with a financial advisor to determine what will be on the ballot, and for additional financial analysis for the township.

Meeting concluded at approximately 7:25 p.m.