

BROWN TOWNSHIP

ESTABLISHED 1830

Fall 2024

Referendum Petition

**This update provided
by resident Melissa Brinkerhoff**

The Franklin County Economic and Planning Department has administered Brown Township zoning for decades. Recently, many personnel within that department have resigned, and new personnel have been hired leading to a loss of knowledge.

The property at 7124 Davis Road is the old Conklin Farm. It consists of one house on a 24 acre lot and was zoned Rural. In December of 2023, at the recommendation of the Franklin County Economic and Development Department planning administrator, the zoning classification of PR-6 was applied for by the developer, Mark Denny, an architect, on behalf of the property owners, Horsehouse Property LLC. The PR-6 zoning classification allowed the addition of seven houses for a total of eight houses on the 24-acre parcel, but it also did much more.

PR-6 zoning, in the Franklin County Zoning Code, requires centralized water and sewer services and allows up to six units per acre. This zoning classification is not an option in either the Brown Township Comprehensive Plan or the Big Darby Accord Watershed Master Plan.

When this proposal was presented to the Big Darby Accord Advisory Panel for review and approval on February 13, 2024, the planner who presented the proposal failed to mention that PR-6 required centralized water and sewer services, and that it would allow up to six units to the acre. Uninformed, the

Panel recommended approval with six conditions.

The proposal was moved forward, and the very next day the Rural Zoning Commission approved the rezoning citing the six conditions. No one on the commission was aware that the rezoning required centralized services which were unavailable from Hilliard.

On March 12, 2024, the Franklin County Commissioners approved the rezoning after hearing testimony from Trustee Sayre and Planning Specialist Hatmaker who both testified that this rezoning would require centralized services that were unavailable. They also testified that PR-6 would allow six units to the acre that is incompatible with the Brown Township Comprehensive Plan and the Big Darby Accord Watershed Master Plan. Commissioners Crawley and Boyce approved PR-6 zoning for this property anyway.

At this point there was only one option to oppose this rezoning. A citizen led referendum was initiated by residents Michelle Stayrook and me after discussions with the Trustees at their March meeting. The Trustees could not be involved other than to sign a resident led referendum petition to challenge the rezoning and place it on the ballot. At this point, we, the petitioners, had less than thirty days to correctly fill out the petition, collect signatures, and file the petition with the Franklin County Commissioners.

An attorney was found who had written referendum petitions before, and he explained the different ways to tackle it,

citing different case law. After much discussion and review, the petition blanks were filled in properly by the attorney. By now it is March 30th, and we, the petitioners, have less than two weeks to collect the signatures and file the petition!

Thankfully Michelle and her volunteers got the word out via social media to residents in Brown Township, and we collected 285 signatures! We needed 185 to satisfy the recent change in state law, from our state legislators, increasing the percentage of signatures required from just 99.

The petitions were submitted on April 9th, 2024 to the Franklin County Commissioners. The Commissioners then submitted them to the Franklin County Board of Elections who certified we had enough valid signatures. On May 14th, the Commissioners directed the Board of Elections to place the question posed in the referendum (whether to allow PR-6 Zoning on this parcel) on the 2024 General Election ballot. The petitions were approved as well by the Franklin County Prosecutor's office.

On June 6th, 2024, the Franklin County Board of Elections received a request not to certify the referendum petitions from the property owners, Horsehouse Property LLC, by their attorney.

On August 5th 2024, a hearing was conducted at the Board of Elections on the merits of the request. I, along with our attorney, were present as well as Michelle Stayrook via Skype or Zoom/video conferencing. We were sworn in

- Continued on Page 2 -

Referendum Petition

- From Page 1 -

and had to testify under oath and were cross examined by the property owners' attorney. I was not allowed to make a statement or speak other than to reply to questions posed by either attorney. The Board of Elections allowed Michelle to make a statement once.

The property owners' dispute centered on their premise that the petition would have been confusing to people signing it, as it didn't contain a property description or a location. There is nowhere on the petition for any description, address, or parcel ID number. All of this information was contained in our materials that we supplied while gathering signatures. It was on the maps clearly present at the drive and sign events. The case was a rezoning case, and the County Commissioners legal transcript referred to the issue as ZON-23-12. That was what the title was that the commissioners approved when they rezoned the property, and that is what

was subsequently written on the petition.

After more than two hours of testifying and arguments made by both attorneys, we were all excused while the Board of Elections went into Executive Session. This lasted for about 15-20 minutes. After coming out of Executive Session, The Board of Elections sided with the property owners and dismissed our petition with a unanimous vote of 4-0. Our attorney has argued three rezoning cases all the way to the Ohio Supreme Court and won two of the three. In further discussion with our attorney, we concluded that we would not be able to win on an appeal mainly because rarely does a judge go against a local election board.

While we are extremely disappointed with the end result of the process, we are proud of our township residents who stepped up and volunteered to help, signed the petition and donated to the legal fund. Thank you!

This whole situation would have never

happened if the Franklin County Economic Development and Planning Department had not applied PR-6 zoning. There were other rezoning options that may not have yielded eight lots, but would have given the appropriate zoning for the parcel.

Obviously, this case sets precedent. PR-6 zoning is now in Brown Township. We are very concerned about any future rezonings and are asking the residents of Brown Township to step up again and join us in asking the Trustees to consider developing our own township zoning plan for Brown Township. This will be a big undertaking and will require support from the residents, including how the Township will be able to fund and operate it. Since Brown Township is just starting their comprehensive plan update, we feel this will be an excellent opportunity to have residents weigh in, ask questions and make an informed decision.

Thank you again for your support!

Melissa Brinkerhoff

Comprehensive Plan Update

Brown Township is in the process of updating its Comprehensive Plan. Since adoption of the initial plan in 1992, the Township has periodically conducted a detailed analysis of the community and updated its foundational policies for guiding growth in a manner that preserves rural character and environmental quality of the natural open space.

While this overarching goal for the Township remains valid, the strategies to achieve the goal are being reviewed and updated to address major changes that have occurred in the last 20 years and to incorporate contemporary strategies.

The Township Trustees have retained professional planners with CT Consultants and assembled a 16-member steering committee to assist with the update. In an effort to have a truly representative group of stakeholders on the committee, the trustees solicited interested persons via an online application. It was important to include residents and landowners from all areas of the township and with varied experiences - from long-time residents to newcomers, people with children in the Hilliard School District, representatives from newer housing develop-

ments in the eastern portion of Brown Township as well as farmers and other large landowners. The committee's first meeting was held on Tuesday, Sept. 10.

The committee members include:

- Eric Antonides
- Denise Buerge
- Tom Janz
- Doug Gillfillan
- Bill Landshof
- Pete Marsh
- Nancy Pitt
- Ravi Sony
- Melissa Brinkerhoff
- Alison Crumley
- Bo Cunningham
- Mary-Kate Gilbert
- Denver Lightner
- Chandra Pillarigunta
- Angelo Serra
- Michelle Stayrook

With the Township's aspirational vision coupled with practical implementation, the plan update will focus on identifying policies and projects necessary to achieve and maintain the vision. One of the primary goals for the project is to reach as many residents as possible so that the plan truly reflects the community and establishes priorities that reflect the consensus of the residents.

Through round table discussion at the September meeting, it is clear that there are a lot of aspects to love about living in Brown Township: it's the best of both worlds, with peace and quiet in most parts of the township, with the ability to be at Prairie Oaks Metropark, and then

have dinner in Downtown Columbus an hour later. Yet there are concerns that need to be addressed, such as environmental protection, especially given the number of home sanitary treatments systems.

Over the next few months, CT will foster discussion among the committee regarding contemporary strategies to preserve natural open space, dark skies and the rural environment; to promote safe transportation - including bikeways and discuss best practices for maintaining the roadways, ways to share the road, especially with large ag equipment; and address challenges such as the declining number of farmers, lack of local land use control via zoning and related development review authority, and the keeping up with roadway improvements as growth brings increased traffic.

Throughout the next 10 to 12 months, there will be opportunities to share your opinions and concerns, including a community survey and two open house events. Please stay tuned for more information on these events.

*Kristin Hopkins, FAICP
CT Consultants*

Historical Segment of Brown Township

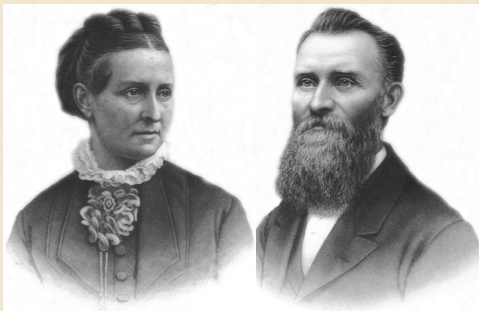
Don't Drown Brown by resident Sandy Andromeda

Back in 1858, Solomon Woolley and his wife Fannie purchased 600 acres in Brown Township from Joseph Sullivant who had inherited it from his father, Lucas Sullivant—the frontier surveyor and founder of towns including Columbus.

The Woolleys' purchase was thought by many to be a folly, because it was in a swamp covered with a forest in the wettest township of Franklin County. They set about to change that by draining off the water and removing the trees.

While digging, they discovered an abundant supply of clay and decided to make tile with the clay to drain their land into ditches and natural waterways that fed into Big Darby Creek. This plan worked and their soil was fertile and rich for farming.

They planted apple trees and named their place Appledale Farm. When their success became known, others asked them to make more tile to drain neighboring farms and so an industry was born for the Woolleys.

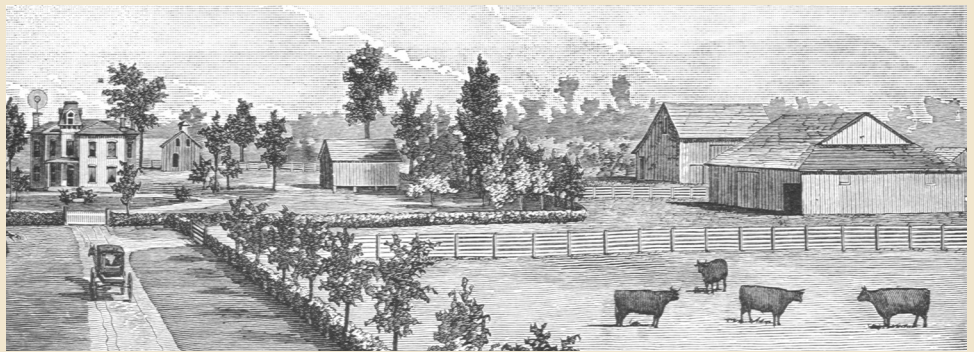


Fannie & Solomon Woolley

In 1943, Milton Troutman was collecting various fishes in Big Darby Creek while researching material for a book he was writing on the native fish of Ohio when he discovered an unknown species of fish. It became known as the Scioto Madtom with the scientific name *Noturus troutmani*—named for him. His new fish was found only in Big Darby Creek.

In a twist of fate, this discovery of a tiny fish, only two plus inches in length, would one day lead to saving much of Brown Township. Sadly, the Scioto Madtom hasn't been seen for years, and it was declared extinct in 2021.

Troutman's discovery led to more re-



Appledale Farm

search on Big Darby Creek, and it was declared a natural treasure with more than 100 species of fish and more than 40 species of mussels.

In 1968, the Army Corps of Engineers was purchasing land where Battelle Darby Park is now located, intending to build a 50-foot-high dam across Big Darby Creek that would flood 3,000 acres. They would call it the Lower Darby Dam.

At the same time, the City of Columbus had a similar plan for Brown Township. They would construct a second dam across Big Darby Creek in Brown Township to be called the Upper Darby Dam.

These plans were dropped in 1973 because of citizens' negative pressure.

Again in 1988, the City of Columbus was planning another dam for Brown Township.

Then in 1991, they announced yet another plan called "Water Beyond 2000." It also called for a dam that would flood much of Brown Township.

With a battle cry of "Don't Drown Brown!" the township arose once again to stop this attack.

Then it all changed in 1993 when Big Darby Creek was declared a National Scenic River. The Native Peoples' name for it was Olentangy.

As I sat in a recent presentation of a plan by the Franklin County Drainage Engineer to save us from our flood waters, I was astounded at what it would entail.

Apparently, we are to pay millions to create a winding and complicated path of devastation that is expected to fail because the plan calls for millions more for

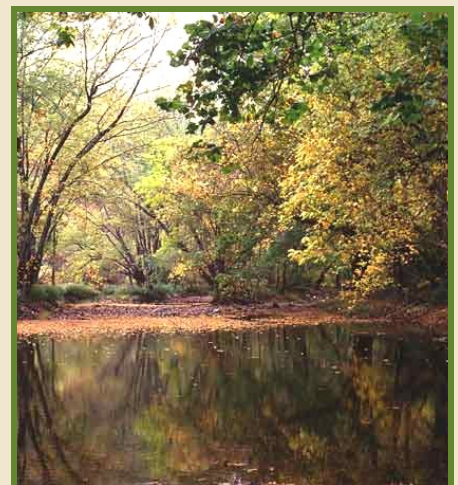
its upkeep.

Because of gravity, water flows downhill. The only way to stop water is to block it from flowing, but somehow the plan did not consider this.

So, what has happened to change Brown Township from the days when the Woolleys made the tile that drained our swamp? For years it was a fertile farmland without flooding, and the farmers were aware of keeping it that way by maintaining their tiles, natural waterways, and ditches.

Over time, the farms have been sold, broken up, and homes built where crops once grew. But also, as these changes came about, the tile drainage systems were destroyed, the natural waterways were filled in, and ditches, too, were filled in.

In addition to these losses, we are now faced with climate change which may be bringing in even more water.



82 miles of The Big Darby Creek were designated a Scenic River on June 22, 1984, and October 3, 1994. Brown Township Residents played a major role in this effort.



Brown Township
2491 Walker Road
Hilliard, OH 43026

Brown Township Administration Office

2491 Walker Road, Hilliard, Ohio 43026
(614) 876-2133

Website

www.BrownTwp.org

Fiscal Officer

Becky Kent • (614) 446-2359

Trustees

Mr. Gary Dever • (614) 876-4768

Mrs. Pamela Sayre • (614) 582-0191

Mr. Joseph Martin • (614) 309-8879

Norwich Fire Department

Dave Baird, Chief • (614) 876-7694

Franklin County Sheriff's Department

Emergency • 911

Non-Emergency • (614) 525-3333

Public meetings are held the third
Monday of every month at 7:00 p.m.
at 2491 Walker Rd., Hilliard, Ohio



L-R: Trustees Pam Sayre,
Gary Dever and Joe Martin
Seated: Fiscal Officer Becky Kent

Medication Disposal

Dispose of unused medication in the red
disposal station inside main entrance of the
Joint Safety Services Building located at 5181
Northwest Parkway, which is next to the
Franklin County Fairgrounds.

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PUBLIC SAFETY SUMMARY

Each issue of the Brown Township newsletter
contains a quarterly wrap-up of public safety
reports and calls in Brown Township.

Norwich Township Fire Department

Calls to addresses in both incorporated and
unincorporated portions of Brown Township.

Fire Calls

EMS Calls

Incorp Unincorp Incorp Unincorp

JUN 2024	1	7	2	13
JUL 2024	2	3	4	20
AUG 2024	4	6	7	14

Franklin County Sheriff

Calls to addresses on these roads in Brown
Township:

June 2024

6/6 – Grand theft on Patterson Rd.

6/10 - Property damage on Langton Rd.

6/15 - Suspected drugs found on property
on Walker Rd.

6/22 - Felonious Assault on Davis Rd.

6/26 - Improperly discharging a firearm at
or in a habitation or a school safety zone and
Criminal Damaging or Endangering on
Jones Rd.

6/29 - Grand Theft of a motor vehicle on
Hardwood Dr.

July 2024

7/6 – Property damage at an address on
Langton Rd.

7/19 - Assault on Morris Rd.

7/30 - Stolen vehicle on Hayden Run Rd.

August 2024

8/1 - ATV stolen on Dellinger Rd.

8/2 - Misdemeanor Theft and Identity Fraud
on Walker Rd.

8/7 - A shooting incident on Jones Rd.

8/8 or 8/9 - Stolen property on Walker Rd.

8/19 - Shots fired on Jones Rd.

8/22 - Littering at Widener & Jones Rds.

8/25 - Shots fired in the area on Jones Rd.

8/31 - Shots fired in the area on Jones Rd.

Hilliard Division of Police

There were no non-routine calls to Brown
Township addresses within the City of Hilli-
ard.