

## ZONING COMMISSION

Regular Meeting

Feb 2, 2017

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The meeting was called to order at 7:04 p.m.

Roll call was called: Present were: Spellman, Dermody, Powell, Schneider and Alternate Burns Trustees Schulte and Sambor, Zoning Inspector Wilson and Fiscal Officer Catherwood were also present.

Chairperson Spellman opened discussion regarding need to review and approve the Organizational and Regular meeting minutes from Jan 5<sup>th</sup> 2017 meetings. Discussion was pursued and the following approved:

- Minutes from Jan 5<sup>th</sup> 2017 Organizational Meeting
- Motion made by Vice Chairperson Dermody, second by Member Schneider.
- Discussion was entertained, Roll was called.

**Vote: Burns – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman - Yes**

- Minutes from Jan 5<sup>th</sup> 2017 Regular Meeting
- Motion made by Member Schneider, second by Member Powell.
- Discussion was entertained, Roll was called.

**Vote: Burns – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman - Yes**

Chairperson Spellman advised that there were copies of the HTZC (Hinckley Township Zoning Commission) Meeting Items distributed to each member for reference. Discussion was entertained.

Chairperson Spellman moved on to Old Business that was created in the Dec 2016 meeting and then tabled in the Jan 2017 meeting. First item for discussion:

- Height Exceptions - 6.I 1&2
  - Aldi's addition to their building had cooling units which exceeded height limitations
  - Topic was discussed in 2016 several times as to whether any language change(s) should be made to the Zoning Regulations
  - Members were asked to review letter F in both 6I1.4 & 6I2.5
    - Chairperson Spellman inquired if the Members were in agreement that the items listed in letter F in both 6I1.4 & 6I2.5 would be excluded from the height of an industrial structure
      - Vice Chairperson Dermody questioned if this would prohibit any concerns with safety equipment
      - Member Schneider raised some notes he had written at the time that the issue had been discussed previously. His notes included:
        - External equipment not to exceed 15' above the 35' building height limit and not to be enclosed
      - Member Powell commented that downside to establishing a limit is that we cannot anticipate technology changes/requirements

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- Alternate Burns inquired if there was something in the language that required any requirements above the 35' building limit would require a builder to submit for approval regardless of the intended need
  - Chairman Spellman reiterated that the issue arose when the Aldi addition was constructed
    - Fiscal Officer Catherwood commented that the drawings submitted by Aldi's did include the dimensions of the refrigeration units and this was identified at the time by then Zoning Inspector Schaefer
  - Member Schneider further added that any structure within 10' of any main structure is considered to be part of the main structure, this was confirmed by Zoning Inspector Wilson
- Further discussion continued and it was identified that there was language drafted by Susan Hirsch which should be located
  - Chairperson Spellman to bring what Susan Hirsch sent
  - Member Schneider to draft his language and forward to Chairperson Spellman and the Members
- Item was tabled for further review in the March meeting

### Second item for discussion:

- ¼ Acre square footage number is currently listed in section 6R2.4 as 33,000 sq ft and is incorrect
  - There is a 330 sq ft difference
    - 3 residents since May 2016 have applied for and been granted a waiver
    - 1 resident is pending
  - Chairperson Spellman inquired if there was any way to have the fee structure waived in this type of situation.
    - Fiscal Officer Catherwood advised that technically this is not allowed
    - There are significant costs to hold a variance hearing which may outweigh the fee collected
  - Board members commented that the regulation should be amended to correct the language and formal amendment will be taken up in upcoming meetings and combined with other items
    - Proposed for consideration:
      - Page 57 Within title of 6R2 References to 33,000 sq ft lots will be changed to 32,670 sq ft
      - 6R2.1 Purpose Statement – strike 33,000 sq ft and replace with 32,670 sq ft
      - Page 59 6R2.4 Strike 33,000 sq ft and replace with 32,670 sq ft
    - Items above were agreed to be formalized in upcoming meetings

### Third item for discussion:

- References to the Zoning Commission
  - Ohio revised code references the township zoning commission (all lower case)
  - There are various references within the Zoning Regulations and it is suggested that there be consistency applied

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- Member Powell inquired if the changes can be made as an Administrative Change
- Fiscal Officer Catherwood commented that it may be best to get the opinion of the Prosecutor before proceeding
- Chairman Spellman tasked to follow up with the Prosecutor for the following proposed possibly administrative changes:
  - Future reference will be as Township Zoning Commission
  - Future reference will be as Medina County Planning Commission
  - Future reference will be as Township Board of Zoning Appeals
  - Future reference will be as Township Board of Trustees
  - Future reference will be as Township Zoning Inspector

Added as fourth topic of discussion:

Member Schneider requested review with the Prosecutor be pursued regarding a topic raised in Dec 10 2015 regarding fencing in conservation area on page 45

- Separation of property by a HOA in a conversation or common area shall be designated by a 4 ft wooden or metal post placed every 100 ft at a height of 5 ft. Each post to have signage identifying the conservation area
  - Chairperson Spellman requested that Member Schneider forward the topic in an email to be discussed with the Prosecutor
  - Chairperson Spellman inquired with Trustee Schulte, Trustee Sambor and Fiscal Officer Catherwood provide their opinion as they have been involved in this on past occasions
    - Fiscal Officer Catherwood commented that this does not work
    - Discussion ensued by Members, Trustees and others
    - Trustee Sambor commented that education, enforcement, prosecution and/or what is the penalty
    - Member Schneider commented that HOA's are responsible for the (2) conservation areas within the township
    - Developer is responsible to delineate the area to prevent encroachment criteria
  - Chairperson Spellman will draft wording and will review with the Prosecutor

Fifth item for discussion:

In Law Suite Language – Chairperson Spellman opened discussion and read the Zoning Text Amendment from Guilford, Lagrange and Hiram as examples.

- Each Member requested to review these documents and come prepared to review in the March meeting

Chairperson Spellman addressed the next topics for discussions:

- No New Business was discussed
- No Vice Chairpersons report was presented
- Chairpersons report
  - Contact List was distributed to each Member and it was noted that the information herein is for personal use only
  - Ledges was approved by the Medina County Zoning Commission on Feb 1<sup>st</sup> 2017

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- Hinckley Township Trustees Organizational Meeting minutes were distributed and included the following items which affects the HTZC
  - Compensation of \$35.00 per meeting with consecutive meetings being paid as (1) meeting
  - Terms of membership defined
  - HTBZA member list and their terms
  - Members required to attend a minimum (1) informational seminar annually in house or outside at \$30.00 each
- Member reports:
  - No report provided by Member Powell
  - Member Schneider advised that he is unable to represent the HTZC on Feb 8<sup>th</sup> at the HTBZA work session and requested a volunteer to attend on his behalf.
    - Chairperson Spellman will try to attend and Trustee Schulte will be in attendance
    - The Jan 2017 HTBZA meeting was an organizational meeting
  - No report provided by Alternate Burns
- Trustee reports:
  - Trustee Schulte advised that Developer Terry had a variance approved
  - Trustee Schulte introduced Myron Hardetskyy who is owner of Volens/Spark Cleaning is in process of buying land in the Hinckley Corporate Park and is involved in 5 different businesses
    - Assembly
    - Expedited Delivery Co.
    - Commercial Cleaning – 40 employees currently
    - Construction Co. – 2 – 3 offices
    - Insurance Agency – 1 office 1 meeting room
    - Plans to build approx 38,000 sq ft building which will be dependent on how many floors are approved
    - The building is located in an I-2 district
  - Trustee Schulte opened discussion regarding Medical Marijuana and provided copies of a Power Point Presentation from the Seminar he attended in Jan 2017
    - Time may allow for a license to be grandfathered by inaction on the part of any township or municipality in the State of Ohio
    - Chairperson Spellman re-iterated that the HTZC will not move quickly regarding this topic
    - Trustee Schulte advised that there is language established by the Prosecutor
    - Resolution will be presented by Trustee Schulte
    - Member Schneider advised that regulations to be added were to be discussed in a public meeting in Sharon Township on Feb 14<sup>th</sup> at 6pm

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- Trustee Sambor report
  - On the topic of Medical Marijuana
    - Medical purpose
    - Benefit is over weighed by fear
    - Put in a ban to prevent something unknown
    - As long as it is legal – put in a ban
  - Regarding In-Law Suite discussion
  - Distinction between Master Suit and In-Law Suites
  - Safety and Access needs to be considered
- No report provided by Zoning Inspector Wilson

Chairperson Spellman reviewed items to be added to the Agenda for the next regular meeting scheduled for Mar 2<sup>nd</sup> 2017

- Height Exeptions 6.I 1 & 2
- Fencing or demarcation of Conservation Areas
- In-Law Suites
  - Follow ups – Chairperson Spellman with the Prosecutor

Chairperson Spellman entertained a motion to Adjourn

- 1<sup>st</sup> by Schneider, 2<sup>nd</sup> by Powell

**Vote: All in Favor: All members responded – Aye with none opposed.**

The meeting was adjourned at 9:38 p.m.

Recording Secretary: Beth Wilding

Minutes Approved: \_\_\_\_\_, 2017

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William Spellman, Chairman

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Diane Dermody, Vice Chairman

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Calvin Powell, Member

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Bruce Schneider, Member

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Matt Marzullo, Member

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