

Ch. Kalina called the 10/3/2019 Zoning Commission regular meeting to order at 7:00 p.m.

Ch. Kalina recognized V. Ch. Dermody for being nominated for the Athena Award.

Ch. Kalina also congratulated Mr. McCarthy on their new family member.

Roll found: Marzullo, Schneider, Powell, Dermody, Kalina

Also in the audience: Alternates Crew and McCarthy and ZI Wilson

Ch. Kalina asked if everyone had received and read the minutes from the September 5, 2019 Zoning Commission Regular Meeting. He asked if there were any comments, and Mr. Marzullo stated there was a typo on page 2, which was noted. Additionally, Mr. Marzullo stated he wanted to clarify on page 3 in Old Business, the language regarding any structure following the same setbacks in the Township needs to be amended. Mr. Marzullo stated the proposed verbiage would restrict the placement of agricultural buildings and that is not consistent with the Zoning Commission Board's intent. Discussion followed and it was agreed to amend the language in the minutes.

Ch. Kalina stated he would entertain a motion to accept the September 5, 2019 Zoning Commission Regular Meeting Minutes as amended.

- Mr. Marzullo moved and Mr. Schneider second.
- No further discussion.
- Ch. Kalina called for vote to approve.
- All were in favor.

Marzullo – yes, Schneider – yes, Powell – yes, Dermody – yes, Kalina - yes

**OLD BUSINESS:**

Ch. Kalina stated that he had previously shared changes from Mr. Smerigan regarding Agritourism and Agriculture language and the ZC Board can discuss that. Ch. Kalina then updated everyone on the Agritourism and Agriculture topics that have previously been discussed by the ZC Board. Ch. Kalina stated that Ohio Law allows limited zoning authority on Agritourism and there are really only 4 things that Township Zoning has limited authority over: size of structure, size of parking areas, setback of building lines for the structures and egress and ingress. Ch. Kalina shared some proposed Agritourism language that was reviewed by the Department of Planning Services for Lafayette Township.

Ch. Kalina then summarized proposed language for Hinckley Township regarding Agriculture and Agritourism. An Agritourism provider would be expected to comply with whatever is in resolution for that district as far as setbacks, location and size of all parking areas, the proposed use of building to share with safety forces, the design of ingress and egress for emergency personnel and description of operation and emergency contact. Ch. Kalina recommended that language regarding permanent ground signs state that any signage comply with Chapter 10 of the Zoning Resolution, which regulates signs for the entire

Township. Ch. Kalina stated he feels this language addresses some of the major loopholes for the Township, which includes setbacks and signage – it is not limiting agricultural uses, it states that land in any district can be used for agricultural uses.

Discussion followed regarding the proposed language and Ch. Kalina reminded everyone that this is only for platted subdivisions because Townships do not have authority to regulate agricultural uses outside of a platted subdivision.

ZI Wilson stated that the County is working on producing a map of the platted subdivisions in the Township.

Ch. Kalina stated that he believes the proposed language addresses issues in a proactive manner which benefits the Township's safety forces and the safety of the residents.

Mr. McCarthy questioned if there was some rationale that has not been thought of by the ZC Board that Lafayette Township used in drafting their Agritourism language. Mr. Powell also questioned what Lafayette Township's reasons are for their proposed language and discussion followed regarding the possibility of finding out how Lafayette Township came up with the language to determine if there is an issue that the ZC Board has not thought of. Ch. Kalina agreed to follow up with Lafayette Township.

Mr. Marzullo questioned if the proposed language regarding location, size and heights refers to new build and Ch. Kalina stated it applies to new buildings and only applies to Agritourism. Mr. Marzullo stated his concern is that the language asks for a site plan showing all buildings, including existing buildings, and will there be an issue if existing buildings do not meet the setback and height requirements. Ch. Kalina stated that existing buildings are grandfathered in. Discussion followed regarding language suggestions to clarify that the site plan should show location, height and size of all buildings, including existing buildings, for fire and safety purposes, but any proposed buildings will have to meet the minimum setback and height requirements of the district.

Mr. Marzullo then questioned why the proposed language regarding meeting minimum setbacks in a district is being used, Mr. Marzullo stated he believes this will prohibit property owners from building an agriculture building on their property.

Ch. Kalina stated the language applies to proposed buildings on lots less than 5 acres in a platted subdivision and the intent of the language is to ask property owners to abide by the same setbacks that their neighbor has to when they put in a garage or shed or something like that. Discussion followed regarding the proposed language.

ZI Wilson stated that an issue to consider is if a property owner builds an agriculture building on the property line and then a year later moves and the new owner doesn't use that building for Agriculture purposes then it's no longer an approved structure.

Mr. Schneider stated the setback language should be considered for safety purposes as well so fire and safety personnel can access all sides of the building.

Mr. Marzullo stated his concern is that this could take more away from what people can do on their property. Further discussion followed.

ZI Wilson began discussion regarding a proposed building with solar panels placed on the roof and Mr. Marzullo asked if the property owner is aware that they can only use the power from the solar panels for the building the solar panels are on. Discussion followed regarding the language for solar panels. Ch. Kalina stated that there will be a need for some housekeeping within the solar language regarding accessory buildings and clarify that the power generated can be used for the principal use as well as the accessory use.

Further discussion followed regarding the setback requirements and Mr. Marzullo stated that the language could possibly affect a very large part of the community and it's essential to make sure the residents are aware.

Ch. Kalina then asked if anyone else on the ZC Board has any other questions or comments. There were none.

Mr. Schneider suggested that a definition for Agriculture and Agritourism be included in the definitions section of the Zoning, but not part of the Zoning Regulations and Mr. McCarthy commented that it was his understanding that the Township follows the State of Ohio. Mr. McCarthy asked if the definition could be "as defined by the Ohio Revised Code". ZI Wilson commented if it was done that way, whenever the State changes the definition the Township would remain compliant.

Mr. McCarthy asked if the proposed language was for Agritourism and Mr. Marzullo said no. Mr. Marzullo stated that some of the language is about safety and welfare but a portion of the proposed language is not about safety and welfare and the ZC Board is trying to make a decision for a large group of residents and the ZC Board won't know exactly who they are affecting.

Mr. McCarthy stated that regarding the regulation of parking, his concern regarding the Agritourism properties is that people might be parking in the street. Mr. Marzullo questioned if there is anything the ZC Board can do regarding the regulation of parking for safety reasons. Discussion followed.

Ch. Kalina asked if there were any other comments from the ZC Board and there were none. Ch. Kalina then turned it over to the audience for comment.

**Mr. Richard Pearl, 1785 King Road, Hinckley, Ohio**

Mr. Pearl commented that he agrees 100% with the direction the ZC Board is taking.

**Jim McClintock, 2205 Stony Hill Road, Hinckley, Ohio**

Mr. McClintock stated that he is pretty much opposed to more regulations but overall, he thinks the ZC Board has come a long way with the proposed language. Mr. McClintock believes the suggested language gives leeway for safety issues with regard to parking. Mr. McClintock believes that the proposed setback language for structures along the property line should not be considered. Mr. McClintock agrees with Mr. Marzullo that there will be hundreds of people affected by the language.

Further discussion followed regarding the proposed setback language and how it would apply to various structures and buildings and how that relates to agricultural use.

Mr. McClintock further commented that you cannot legislate people to be good neighbors.

**Kevin Kosik, 2020 Ridge Road, Hinckley, Ohio**

Mr. Kosik asked if there is any way to make the same setbacks throughout the Township.

Mr. McCarthy asked if that is what Mr. Kosik really wants to have the same setbacks for all structures regardless of use and the size of a lot.

Mr. Kosik suggested maybe designating setbacks by use and Mr. Marzullo stated that is similar to what the language is proposing. Discussion followed.

Ms. Dermody asked if Mr. Kosik is referring only to residential and Mr. Kosik said yes. Mr. Kosik stated that if the same setback requirement is used, it could possibly make things more consistent.

Ch. Kalina thanked everyone for their input and led a discussion about proposing a standard 15-foot setback for any new agricultural buildings in any district. This would coincide with the existing regulations in the R2 but provide more leeway and flexibility in the R1 district. The ZC Board was in consensus with setting a standard setback as opposed to varying setbacks throughout the Township for the same use.

Ch. Kalina then began discussing the topic of building heights. Ch. Kalina stated that this came up when 1<sup>st</sup> Day School Supplies came to the Board of Zoning Appeals for a height variance. When Ch. Kalina spoke with the head of Medina County Economic Development Corporation, he received some data regarding height of commercial buildings. Ch. Kalina stated that based on the information there were only 4 companies looking for a 40 foot height variance. Ch. Kalina stated that based on the absence of demand is it really worth looking into. Mr. McCarthy stated that the height variance would most likely be for a company looking for 2 racks of storage in the facility, so the 35-foot limit would work except for companies looking for 2 racks of storage.

Mr. Marzullo stated that Mr. Schneider brought up a good point at the last meeting stating what if a company wants to put in rooftop air conditioning unit, this would make the height closer to 50 feet. Discussion followed.

Mr. Powell stated that he thinks the only reason to change the height language is because a lot of these buildings come and go and the Township can end up with empty buildings. Ch. Kalina stated that is a good point because these buildings change hands often. Further discussion followed.

Ch. Kalina then discussed his hand outs which contained topics that the ZC Board has discussed. Ch. Kalina stated that Hiram Township, among others, has language regarding mother and father in-law suites. Ch. Kalina stated there is a lot of language regarding in-law suites and he recommends the ZC Board take the language home and read through it for further discussion. Ch. Kalina's concern is that as the baby boomers age out, will the Township end up with duplexes. Ch. Kalina suggested the information be reviewed for future discussion, possibly after December. Discussion followed if there was a need for the language.

Ms. Dermody stated that she believes a lot of people bring older parents or relatives into their home to take care of them and would this technically qualify as an in-law suite. Further discussion took place.

Ch. Kalina then stated that he would like to touch upon 2 other items, conservation development and sidewalks. Ch. Kalina distributed language regarding these topics for review. Discussion followed regarding adding language to indicate leaving scenic views and vistas unblocked and to preserve the rural look along setting homes back away from collector streets as brought up by Mr. Marzullo.

Ch. Kalina stated the ZC Board will still need to address solar issues, specifically solar panel language, which he distributed for review. Ch. Kalina stated that since the ZC Board will be tweaking solar language should the ZC Board readdress this issue to expand allowing the units to be installed on either the rooftop of the building surface.

Ch. Kalina asked if the audience had any comments on these last few ideas.

Mr. McClintock stated he knew the history why no in-law suites. Mr. McClintock stated that in the early 80's there was a homeowner in Hinckley that was subdividing his house into 3 apartments and there were no regulations. Then some hippies moved in and that prompted the language in the Zoning Code.

Mr. Pearl stated that at the most recent Trustee meeting, there were some residents that live near Buzzard Cove Golf that were complaining about loud music. Mr. Pearl asked if the ZC Board would consider restrictions on outdoor music and bands in B-2. Ch. Kalina stated he thought it would fall under nuisance, but most likely that would fall under business noise.

Ch. Kalina entertained a motion to adjourn the October 3, 2019 Zoning Commission Regular Meeting.

- Ms. Dermody moved and Mr. Powell second.
- No further discussion.
- Ch. Kalina called for vote to approve.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 9:04 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: \_\_\_\_\_, 2019

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Christopher Kalina, 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