

Ch. Fischer called the March 4, 2022 Zoning Commission Regular meeting to order at 7:07 p.m.

Roll found: Fischer, Crew, Marzullo, Manley, Spellman

Audience: Trustee Augustine, Trustee Swedyk attended virtually

Ch. Fischer stated that this meeting is being recorded for transcription purposes only and the written minutes and attachments, if any, will serve as the official record of this meeting.

Ch. Fischer stated that virtual participation is now allowed at meetings, so virtual public comments are permitted at this meeting. Ch. Fischer stated that on behalf of the virtual audience, we ask that the public joining in person approach the podium in the event they would like to speak, they will need to announce their name and address prior to speaking, additionally we ask that the audience save personal conversation for after the meeting as additional voices cause confusion for those attending virtually.

Ch. Fischer asked if everyone had received and reviewed the minutes from the Zoning Commission Organizational Meeting on January 6, 2022 and if there were any comments or corrections.

Ch. Fischer stated he would entertain a motion to approve the January 6, 2022 Zoning Commission Organizational Meeting minutes.

- Mr. Manley moved and Ms. Crew second.
- There was no further discussion.
- Board was polled.
- All were in favor.

Ch. Fischer asked if everyone had received and reviewed the minutes from the Zoning Commission Regular Meeting on January 6, 2022 and if there were any comments or corrections. Ms. Crew had one change, which was noted on the copy of the minutes.

Ch. Fischer stated he would entertain a motion to approve the January 6, 2022 Zoning Commission Regular Meeting minutes, as amended.

- Mr. Marzullo moved and Mr. Spellman second.
- There was no further discussion.
- Board was polled.
- All were in favor.

Ch. Fischer stated that if there were no objections from the Board he would like to move to New Business before the Old Business, and no one was opposed. Ch. Fischer stated there is an application for a map amendment change from R-1 to B-2 for 1586 Center Road, that is the old elementary school. Ch. Fischer stated this process involves the receipt of the application and payment of the application fee, which has happened in this case and now has been formally received by the Zoning Commission. Per ORC 519, predominantly Section 12, the Zoning Commission will receive the application and within 5

days forward it to Planning Commission; the Planning Commission will then review the proposal and provide their recommendation. Concurrently with that, a Public Hearing will be scheduled to discuss the proposed amendment. Once they have received the report back from the Planning Commission and the Public Hearing has taken place, this Commission will have an opportunity to discuss the proposal and then make a recommendation for the Trustees based on their discussion. The Trustees will have to set their own Public Hearing date for the proposed amendment, and they will then vote on whether to approve or not approve the amendment with or without modification, just as this Board can make their recommendations with or without modifications and approve or deny the proposal.

Ch. Fischer asked the representative from the School District to come to the podium to discuss their requested map amendment.

Chris Wolny, 2813 Weymouth – Highland School Board member

Mr. Wolny stated he is a member of the Highland School Board and is attending on behalf of the Highland School Board. Mr. Wolny stated there is a new elementary school; of the 3 old elementary buildings, 2 of them have been removed and the remaining elementary school (Hinckley Elementary) has some value so they decided to put it on the market. The thing they ran into is the property where Hinckley Elementary is located is zoned residential and surrounded by property zoned B-2, so they are asking for the amendment so the elementary school property could be zoned consistent with the surrounding property (illustrated on the screen by the Zoning Map section where the elementary school is located). Mr. Wolny stated the main drive behind this request is that the School Board is responsible financially to the taxpayers and the Townships, and they would be remiss if they did not try to make the property part of the Business Zone so when they do sell it they can get the top dollar to give that money back to the District. The Board feared that they would sell as is, and the purchaser would then try to go through this map amendment process and they would then have left money on the table and that's not being responsible. Mr. Wolny stated he had discussed this with Zoning Inspector Wilson, and they filled out the appropriate paperwork. Mr. Wolny stated the main goal of the request is to utilize that property to the fullest to give back to the District from a taxpayers standpoint.

Mr. Manley stated that he has spent many years on Zoning Boards, and it's not unusual for someone to have interest in a piece of property that doesn't fit the narrative. Mr. Manley stated deals can be made with the property owners to go through this process during sale discussions; he doesn't think this needs to be done at this time. Mr. Manley stated he doesn't believe they can't sell this because of the current zoning. Mr. Wolny stated to that point, they hired an auctioneer and the auctioneer did their soft calls and the property was appraised for a certain amount and they are getting about 1/3 of that amount. Discussion followed.

Ch. Fischer stated that for the Zoning Commission's discussion, they will have the opportunity to discuss this again after the Planning Commission has provided their recommendation and after the public comment so there will be ample time to discuss further once they have time to fully review it.

Mr. Marzullo asked if there is zoned residential between the school and the B-2 and there was none. Mr. Fischer stated there is legal, non-conforming, there are people living in homes but it's zoned Business.

There was nothing else; Mr. Wolny thanked the Board for their time.

Mr. Spellman stated that with regard to going in front of the Planning Commission, Mr. Fischer has an opportunity as the liaison between the two commission to go in front of the Commission and they should give him the opportunity to speak if there is something pertinent to their decision making process. Mr. Fischer stated he won't be submitting comments, but he does intent to attend the meeting. Mr. Spellman stated that as official receipt of this request, they have to set the Public Hearing date tonight. Mr. Fischer stated that is correct – 20-40 days from today.

Ch. Fischer stated he would entertain a motion to accept the application and forward to the Planning Commission for review.

- Ms. Crew moved and Mr. Manley second.
- There was no further discussion.
- Board was polled.
- All were in favor.

Ch. Fischer stated he would entertain a motion to set the Public Hearing for April 7, 2022 at 6:30 p.m.

The April 7, 2022 Public Hearing will immediately precede the Zoning Commission Regular Meeting for April, so at the conclusion of the Public Hearing they will begin the Zoning Commission Regular Meeting.

Trustee Augustine stated that she doesn't believe they met the deadline for the April County Planning Commission meeting. Mr. Fischer stated that is correct, but they still have to set the Public Hearing date and it will be an automatic continuation of the Public Hearing, but by law they have to have it within 20-40 days, so the Public Hearing has to be set for that time.

- Mr. Spellman moved and Mr. Marzullo second.
- There was no further discussion.
- Board was polled.
- All were in favor.

Ch. Fischer stated that as Trustee Augustine stated, the Planning Commission schedule and the Zoning Commission schedule do not align very well, so the next filing deadline for the Planning Commission is April 4 and that meeting of the Planning Commission will take place on May 4. So, while they were required to set a Public Hearing, that hearing will more likely than not be continued because they will not have the staff report or the comments from the Planning Commission. The Planning Commission will vote on the proposal on May 4. The Zoning Commission will likely receive final documents stating their conditional approval or denial on May 5, and they will meet on May 5 for a second Public Hearing as well as their meeting to discuss and potentially vote on the amendment.

Ch. Fischer stated they will now move onto Old Business, which is Short Term Rentals. Ch. Fischer distributed copies of proposed language for Short Term Rentals, which is in addition to the definitions they already discussed. Ch. Fischer stated he has also provided to everyone a copy of the regulations from Peninsula, which is one of the areas they have looked to for guidance for some of their language.

Ch. Fischer stated that looking at what they have done so far and taking into consideration the public comments and the comments from this Board, his impression is that they would like to see something in the books but they don't need to have significant regulations in this area, it is more to provide some sort of notice and control to the Zoning Commission and guidance for the community. Ch. Fischer stated that in January, Zoning Inspector Wilson received a call from someone inquiring about if they purchased a home in Hinckley could they use it for short term housing. Ch. Fischer stated he spoke with the Prosecutor in order to understand where the regulations are, whether a short term dwelling rental is permitted, whether a B&B is permitted in a residential district, and he said it depends on the situation at hand. Ch. Fischer stated that he believes they should look into this more to maybe put something in the books to give some guidance. Ch. Fischer stated that currently there is a house bill in committee that would take away much of the Township's rights to regulate short term housing, so depending on where that goes they might work through all of this and then the Ohio Assembly may take that away. We don't know what that will look like, but it is pending in the Ohio House Assembly.

Ch. Fischer stated with respect to definitions, he kept them very similar to what they have already discussed, the only difference is he changed home rental to dwelling rental because that is more consistent with language throughout the Zoning Book. They are currently discussing two definitions:

“Short Term Dwelling Rental”: any dwelling that is rented in its entirety for not more than 30 consecutive days by persons other than the owner from which the owner receives monetary compensation and the owner is not present, and personally living on the premise during the time of the rental.

“Short Term Owner-Occupied Dwelling Rental”: any dwelling of which a portion is rented for not more than 30 consecutive days by persons other than the owner from which the owner receives compensation.

Ch. Fischer stated the only recommendation he has on these amendments, based upon feedback received so far, is that it has been brought up that using the term “owner” could be problematic because the owner of a property could be a trust or organization, so there is no owner that is a person. Mr. Fischer stated they could potentially resolve this by saying ***“an owner or legal representative of the owner”***, and therefore if it is owned by a Trust there is a person that is a legal representative of that Trust.

Mr. Marzullo asked if someone is renting a home and wants to then rent to someone else, are they precluded from this because they are a renter.

Ch. Fischer asked if there were any suggestions, and Mr. Marzullo stated that possibly using “other than the primary occupant”.

Ms. Crew asked Mr. Marzullo for clarification, and Mr. Marzullo stated that if someone is renting a home for a year and people want to visit Hinckley overnight, can those people rent out a room in that home for a short period of time that doesn't require a lease agreement. Discussion followed regarding the difference between sub-leasing or an Airbnb. Mr. Marzullo stated that the entire intent of this conversation is to have a definition and not to put in limitations and Mr. Fischer stated this would only apply to the short-term owner-occupied dwelling.

Ch. Fischer asked if the suggestion is to amend "owner" in both places in the definition and replace with "primary resident". Ch. Fischer reminded everyone that this is a working definition that could potentially be sent to Planning Commission with a packet of text amendments at some point in the future. Ch. Fischer stated that his concern with "primary" is length of time that person is in the house – so if there is a primary resident for a week and that person goes away, then the next person would be a primary resident, so whoever rents that unit for a period of time becomes the primary resident. Mr. Marzullo stated that would then make it a short-term rental and it would be a short-term dwelling rental at that point because every week it is switching to a new renter. Ch. Fischer stated he is fine using primary resident and waiting to see what the prosecutor has to say about it.

Ch. Fischer stated that he suggested referring to the Peninsula language during their discussion because they have a robust regulation and, although they are a village, they are somewhat similarly situated in terms of their proximity to the national park districts and would likely attract the same sort of renters that Hinckley would.

Ch. Fischer stated if there is no other discussion with respect to definitions he would like to discuss how they would amend the text to factor in short-term dwelling rentals and short-term owner-occupied dwelling rentals. Ch. Fischer stated what he initially recommended is that in the 6R1 District – so 6R1.3 – they would add "short-term dwelling rentals" and "short-term owner-occupied dwelling rentals" as conditional uses, which means the homeowner would have to submit a request to the Board of Zoning Appeals for review and approval or denial. Ch. Fischer stated he has made the same proposal for the 6R2 District – 6R2.3 – they would add a "k" and "l" for short term dwelling rentals and short-term owner-occupied dwelling rentals.

Ch. Fischer stated this is a working template for them until the Steering Committee has completed their task of the Comprehensive Plan Audit and then they send their proposals to Planning Commission for review.

Mr. Manley stated that it was his understanding that once there was a conditional granted to a property it stayed with that property forever and Ch. Fischer stated as long as they continued the same use. Mr. Manley asked how it would be handled once a property is sold. Mr. Marzullo agreed and what is the time basis for a new application, once they apply and if the BZA approves. Ch. Fischer stated that once the person ceases to use it for two years the condition goes away. Discussion followed.

Ms. Crew asked if the short-term rentals will only be in the residential districts and Ch. Fischer stated yes.

Ch. Fischer asked if there were any other concerns with making those conditional in the Residential Districts. Mr. Spellman stated just the general concern of how to enforce it. Mr. Spellman stated that he believes it is good to have the definitions.

Ch. Fischer stated he believes a lot of items in the regulations are complaint driven and there will be challenges with enforcement of the regulations, but they should still be in the books so the Zoning Department and the Township have an opportunity to respond effectively if something happens, or at least have options to consider. If there is nothing in the books, how much ability does the Township have to respond. Mr. Spellman stated he thinks it's their duty to do their due diligence and then make their decision.

Mr. Manley stated it used to be that when a conditional was issued it was for a stated period of time and then the Zoning Inspector would check on it occasionally to make sure all the conditions were being met before a hearing to renew the conditional for a period of time, that got changed somewhere along the line, but it is something to consider.

Ms. Crew stated she is all for the definitions but she is not sure she is for the conditional uses, but she welcomes more discussion. Ms. Crew referred to the regulations in Peninsula and stated "they are much more complicated" – but they are allowing them everywhere – they don't say where they can be or if they are a conditional.

Mr. Marzullo stated this goes back to the initial intent which was defining it and not limiting it. Mr. Marzullo agrees that it is a permitted use for the property owner but it should be defined as to what it is. Ms. Crew agreed they need definitions.

Ch. Fischer stated that what is allowed within residential districts, most of the commercial-type of uses in the residential districts, are conditional, so likewise a short-term owner-occupied bed and breakfast is a business type of operation and should that be grouped with the other business type uses. Ch. Fischer stated those are the reasons he thought these should be conditional, because it is more of a business type of operation and also an opportunity for the Township to see what's happening in advance of it happening and potentially provide some safeguards. Ch. Fischer stated he did not include any type of notice requirements.

Mr. Spellman suggested they do one of these at a time – perhaps the owner-occupied. Discussion followed.

Trustee Augustine stated that she has the "Discontinuance of Use" section and shared that with the Board. -- ***8.3.d Voluntary discontinuance of the non-conformance use of a building, part of a building or lot or part of a lot for a continuous period for 2 years or longer shall constitute voluntary abandonment. Thereafter, any use on the premise shall conform to all regulations of the district in which the building or lot is located.***

Mr. Marzullo stated that the point of having as a conditional use is that we can get safeguards in place and advance knowledge of what's going on and Ch. Fischer stated that is correct. Mr. Marzullo stated

that if someone is going to use it as a short-term rental and it truly is a short-term rental, someone is there a weekend, they won't be able to find out and act until one month later – when it's a moot point because it is no longer being utilized. Ch. Fischer stated that is true if it's one-time, but if a short-term rental that is continuously listed on VRBO at some point, the Township would have the option to seek an injunction to stop that action from taking place. Ch. Fischer stated he agrees if it's once every four years, but for continuing operations as a short-term rental or a Bed and Breakfast he believes they could have enforcement options available to them. Discussion followed.

Mr. Spellman stated that a short-term rental would be difficult to enforce, but an owner-occupied bed and breakfast could be different. There is a person there running a business, they have a more vested interest in complying. Mr. Marzullo stated that short-term rentals not owner-occupied could also possibly be enforced.

Ch. Fischer stated that if someone is intending to purchase a home in Hinckley for the purpose of short-term rental, which was inquired about in January, that would basically be a commercial operation in Hinckley. Mr. Marzullo stated it's not defined as such and Ch. Fischer agreed. Mr. Marzullo stated that to Mr. Spellman's point, is that something they can or can't enforce. Mr. Marzullo stated if there are enough complaints they find a way to enforce it. Discussion followed.

Ch. Fischer stated he doesn't know if the Steering Committee will have any survey questions regarding short-term housing, so he doesn't know if they will see any guidance as a result of the audit, but they will have at least revisited this after the Comprehensive Plan Audit has taken place so, for now, in the interest of moving forward, Ch. Fischer asked for the general feeling from the Board regarding where they want to put the short-term dwelling rentals and short-term owner-occupied rentals. Should they do both as potential conditional for now and then revisit once the Audit is complete, or are they thinking of making short-term dwelling rentals a permitted use and his impression is owner-occupied dwelling rentals – they are more in favor of a conditional use.

Mr. Spellman stated he would like to continue to explore this, but he would like to read up on House Bill 563 regarding short term rentals. Mr. Spellman stated that there are situations where short-term rentals could be more than a transient thing and he would like to do more research.

Ch. Fischer stated that his hope is they get this language to a point where they are comfortable with it, possibly by the end of this meeting, and then they can revisit it after the Steering Committee has provided their recommendations and the Trustees have made any amendments they are going to make.

Ms. Crew stated she thinks the definitions are locked in, but there are still questions about the usage, and she is not sold on a conditional. Discussion followed.

Ch. Fischer stated that for now he has designated this as a Conditional in the Business District for short-term owner-occupied dwelling rentals (bed and breakfast type) in the B-1 and B-2 districts and Ch. Fischer noted that short-term dwelling rentals are not listed in B-1 or B-2 at all. Ch. Fischer stated part of the reason is that dwelling units in the Business District are only permitted on the second floor, so

they could consider short-term dwelling rentals in the Business Districts, but if they do, he suggests they keep it to the second floor.

Mr. Marzullo stated he thinks they should move forward with the definitions and on the Audit outcome before moving forward with the conditional discussion.

Ch. Fischer asked the Board what information they would need to determine if the uses should be conditional or permitted. Mr. Marzullo stated their discussion helps them decide if it makes sense or not, it's not about additional information available, this comes down to is this something we need to have right next to every house in the Township – anything conditional will most likely be approved because they are not going to put overly burdensome conditions on these.

Ch. Fischer stated they have had 3 -4 meetings regarding short-term rentals and he would like to see some level of conclusion, either at this meeting or the next, so they can move onto other items.

Mr. Spellman asked if anyone thinks they should be permitted uses, and Ms. Crew stated she thinks so and asked what the purpose of the conditions is. Mr. Manley stated if the use was conditional, the Board of Zoning Appeals would inspect the place and possibly find things not seen on paper, so this would be extra protection. Ms. Crew asked what the fear is, and Mr. Manley stated possibly the fire alarms have not been kept up to date, as an example. Discussion followed regarding the short term rentals being businesses. Ms. Crew stated she can't separate the two (owner-occupied and non-owner occupied); they are both operating as businesses and she doesn't see why conditions have to be placed. Ms. Crew stated she is glad that both of these are in Residential and not just exclusively Business District. Ch. Fischer stated he believes one of the reasons to allow a Bed and Breakfast in a Residential District is they have to look at what's going to happen with 20-30 acre farms, and how do they preserve that as large blocks of land as opposed to subdivisions, so those properties have to somehow be able to generate revenue. Discussion followed.

Ch. Fischer stated he will put this back on the agenda for the next meeting, and he would like to have the Board come to some conclusion at the next meeting.

Ch. Fischer stated, assuming they make the properties a conditional use, he suggested in Section 7.5 Supplemental Regulations for Certain Uses – they would add an "I" – Short-term dwelling rental which would be the Airbnb type of rental, not the Bed and Breakfasts, and the regulations suggested are:

a. No renter shall be permitted to sleep in an accessory building in Section 6R1 and 6R2. So in Residential Districts renters cannot be in an accessory building.

b. No renter shall be permitted to sleep outside or in tents, campers or other similar temporary structures. So you couldn't put an RV on your property and rent that out.

c. The maximum number of renters to be accommodated shall be equal to the number of bedrooms occupied by renters multiplied by a factor of 2. A regulation regarding the number of people in the dwelling.

d. The owner shall retain and upon request make available to the Township Zoning Inspector or Law Enforcement Officials, records to demonstrate compliance with this section, including but not limited to, the primary residency of the renter, the name of the renter responsible for the reservation and/or who rented the unit each night, dates of the rental and duration of the stay in the short-term dwelling rental. This is very similar to the requirements that are being advanced for senior housing, in the sense that we need some way to check on what is happening at these properties.

Mr. Marzullo stated he would recommend putting in a time frame regarding how long they have to maintain those records.

Ch. Fischer stated the reason for item "a" is because there could essentially be 2 different rental homes on the property, so this language prohibits that. The reason for item "b" is to prohibit renting out tents and campers. Item "c" may not be necessary so much for the short-term dwelling, but it is meant to limit the number of occupants on the property at any one time. Item "d" is a record-keeping requirement.

Ch. Fischer stated he is not trying to put too many restrictions on property owners, just trying to come up with some reasonable requirements.

Discussion followed regarding what the Peninsula language states regarding this matter.

Ch. Fischer went over the proposed language for the owner-occupied short-term dwelling rental, which is the same as "a" through "d", previously listed, other than the change of owner-occupied. Ch. Fischer stated that the only other change in owner-occupied (which is the Bed and Breakfast) is that no more than 5 bedrooms may be occupied by renters at one time, that is to avoid a Bed and Breakfast becoming a hotel.

Ch. Fischer asked if there were any more comments before they table these items for the next meeting, and there were none.

Ch. Fischer moved to the Chairman's Report.

Ch. Fischer stated that he wanted to thank Mr. Marzullo for his guidance over the past year, it meant a lot to him, and Ch. Fischer told Mr. Marzullo he did a great job of steering the committee through the last year.

Ch. Fischer stated that his email address has been posted to the website, and following Mr. Marzullo's lead, if an email is sent to him, he will try to not respond to the email because he believes it is good to have a public discussion about whatever the item is to be addressed. Ch. Fischer has forwarded to the Zoning Commission members all the emails he felt were pertinent, so they have an opportunity to read what will be discussed. Ch. Fischer stated he does not intend to read the emails since they are being forwarded to the Commission for them to read.

Ch. Fischer stated he has made a small change to the agenda, in the Old Business section – the subject matter list. Previously 4-6 items would be listed for potential discussion. Ch. Fischer stated he felt the subject matter list could cause potential confusion because some things were listed that they would never get to at the current meeting, so Ch. Fischer stated he wanted to make the agenda an accurate depiction of what would be discussed at the current meeting, not an ongoing list that they hoped to discuss in the future.

Mr. Spellman stated he thinks it is a good idea to keep a backlog of items to discuss, and Mr. Spellman asked if the Board could be updated periodically on some of the items that will be discussed in the future, but are not on the current agenda.

Ch. Fischer stated that the Township will be using direct deposit for their pay, and he distributed forms to the Board to fill out. Ch. Fischer proposed the Board get paid by direct deposit twice a year, and everyone was in agreement.

Ch. Fischer stated there is a Conditional Use application in front of the Board for a martial arts center in the Industrial District. Ch. Fischer stated the Township conditionally allows recreation in the Industrial District, within that definition they don't necessarily have martial arts, the Board of Zoning Appeals will hear the conditional use and make a decision. There were no comments or concerns with the Conditional Use Request. Ch. Fischer stated the hearing is set for March 9, 2022 at the Board of Zoning Appeals Regular Meeting – the BZA approved moving the Public Hearing to their Regular Meeting at the applicant's request.

Ch. Fischer stated that the Township had two items in front of the Planning Commission – one was Serenity Court, a proposal for 16 homes on a 60 acre plot off of Route 303 across from Arborcrest. There would be a street with 15 sublots connected which would tap into 303, the 16th subplot which is a 20 acre subplot would connect to Don-Pre Lane which is in the Countrybrook community. Ch. Fischer stated they made a proposal last year, and they had it flipped so 13-14 homes would connect to Don-Pre Lane and the 20 acre plot would connect to Route 303. Based upon the Countrybrook residents' concerns they flipped it so most of the homes are connected to Route 303. Ch. Fischer stated this plan was conditionally approved, and the Board has not received a preliminary site plan yet for review. When that application is submitted they will review it, they do have the Planning Commission's report in their packet.

Ch. Fischer stated the Planning Commission also heard the final site review for the senior housing project and that was also conditionally approved. They have not submitted a final site plan for review to the Zoning Commission but he expects they will receive it within the next month or so.

Ch. Fischer stated that a Hinckley resident noticed that on the 8/5 Public Hearing and Regular Meeting minutes and the 8/12 Special Meeting minutes, Mr. Manley had abstained from the vote as not being present however those minutes were signed by Mr. Manley. Ch. Fischer presented the documents on the screen for Mr. Manley to view, and asked Mr. Manley if he actually signed the minutes and Mr. Manley confirmed that was his signature, and all the documents shown were his signature.

Ch. Fischer stated they still do not have an alternate Zoning Commission member. The Trustees have decided for the time being to have only one alternate to the Zoning Commission and one alternate to the Board of Zoning Appeals, resumes were collected and interviews were held, the Trustees had selected someone to be the alternate for the Zoning Commission and that person did not accept the offer. The Township is now proceeding for the third time with the collection of resumes to fill the alternate position for the Zoning Commission. The resumes are due by March 16 for the Zoning Commission alternate position for a term that ends at the end of the year.

Ch. Fischer stated the Township Trustees have agreed to allow the Board of Zoning Appeals to have a liaison to attend the Zoning Commission meetings at the request of the ZC Chairman and also for a ZC liaison to attend the BZA meetings at the request of the BZA chair. This would be at time when they feel it would be beneficial for the BZA member to have more information on what the ZC is doing for a particular matter and vice versa. These liaisons are paid positions.

Ch. Fischer stated he would like to have a nomination for liaison, they can send someone different than the appointed liaison, but he would like to have someone be named as liaison.

Ms. Crew nominated Mr. Marzullo, seconded by Mr. Manley
The Board was polled
All were in favor.

Ch. Fischer stated that completes his Chairman's report.

Ch. Fischer asked Mr. Manley to give his report on the Steering Committee. Mr. Manley stated there have been two public meetings, there were 15 people at the first meeting and 14 people at the second meeting. Mr. Manley stated that it's obvious from the people attending those meetings they don't want city water or sewers, they want everything left the way it is, and apartment buildings are a no under any conditions. Mr. Manley stated it seems some people want to eliminate Conservation Districts and some want the regulations modified. Mr. Manley stated there have been discussions at both meetings regarding what Rural really means, everyone has their own definitions, but basically it boils down to less traffic, at least 2 or 3 acre lots, and no further development. They discussed that Hinckley is a bedroom community and that it is unique. Many want the Town Center spruced up and there were a lot of complaints about excess traffic on 303, which is traffic moving from the west to eastside and back again. Mr. Manley stated there were several suggestions that the Comprehensive Plan should include financial information, but he is not sure what is meant by that. Mr. Manley stated they also want the developers held responsible to leave trees and several people stated they would like to require homeowners to plant up to 10 trees. Mr. Manley stated their next meeting is March 29, and the final meeting will be April 26 and then there will be a public hearing.

Mr. Manley stated the Steering Committee is listening and he does believe most of the people on the Committee are open to considering the plan as presented with a little bit of work. At the next meeting they are going to try to develop a questionnaire to get out to the public.

Ch. Fischer stated he hopes one of the things Mr. Manley is able to bring to the table is his knowledge of the Zoning Resolution and educate the Steering Committee on what the current Resolution is and they should be mindful of what the Resolution is as they formulate the questions. Ch. Fischer asked if the Steering Committee has had the opportunity to discuss some of the changes that have taken place in various areas. Mr. Manley stated yes, they have discussed this. Further discussion followed.

Ms. Crew asked about the meeting being open to the public for comments via zoom. Ch. Fischer stated it would be preferable for members to be present to engage in the dialogue in person, but if they cannot be at the meeting, they can attend virtually.

Mr. Marzullo stated there was another records request submitted back in January regarding text messages and emails, communications and phone calls between Mr. Marzullo and Jim Larson and Mr. Marzullo and Trustee Ascherl and Mr. Marzullo and anyone about anything relating to Hinckley Township Zoning Commission business.

Mr. Spellman stated he appreciates what Mr. Manley is doing, education among themselves and the public is important, what they discuss is complex. Mr. Spellman also stated that it is interesting that there are varying definitions of the word Rural and he is curious what the consensus is and Mr. Manley stated there isn't one. Mr. Spellman stated that when it comes to keeping Hinckley rural there is no better option than conservation of the land – Western Reserve Land Conservancy is very good at that and they have a lot of great material to provide.

Ch. Fischer stated that he listened to the steering committee meetings and Arthur from OHM Advisors reiterated that the definition of rural can be whatever we want it to be, but we should come up with some sort of definition.

Trustee Augustine stated the virtual meeting rules were approved by Governor DeWine until June 30, 2022 so that allows for comments from our virtual attendees until the end of June. The second thing is if the Zoning Commission Board has a definition of Rural she is happy to pass along to Steering Committee.

Ch. Fischer asked if there are any comments from the public either in person or virtually.

Lindsay Wrubel – 925 Stony Hill Road

Ms. Wrubel stated she wanted to comment on the Short-term rental regarding if there are continuous short-term rentals in succession that is going to be considered a partial use and that is not the case. There is case law in Ohio, she is not giving legal opinion to the Township, but she recommends they look at a Sixth District case that says a short-term rental, even if seven days or less, is considered to be a residential use unless the regulations are different within that municipality.

Ch. Fischer stated what he was trying to say is that a Short-term rental, at some point could be more akin to a business, so it makes sense to make it conditional as opposed to permitted.

Ms. Wrubel also stated that when the Commission decided that this was one of the issues that they were going to tackle, they are talking about the catastrophic situation, for example the people next door decide their home is going to be an Airbnb and they allow large parties every weekend and the issue is if there is no regulation in place there is nothing to enforce so best to be proactive.

Ch. Fischer asked if there was anything else, and there was nothing.

Ch. Fischer entertained a motion to adjourn the March 4, 2022 Zoning Commission Regular Meeting.

- Mr. Marzullo moved and Ms. Crew second.
- No further discussion.
- Board was polled.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 8:53 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2022

Marcus Fischer, Chairman

Michelle Crew, Vice-Chairman

Matt Marzullo, Member

Dave Manley, Member

Bill Spellman, Member