

Prior to the start of the February 2, 2023 Zoning Commission Regular Meeting, Trustee Augustine swore in Mandria Aceto, the new alternate for the Zoning Commission.

Ch. Fischer called the February 2, 2023 Zoning Commission Regular Meeting to order at 7:01 p.m.

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

Roll found: Fischer, Crew, Marzullo had an excused absence, Manley, Engleman, Aceto

In the audience were Trustees Augustine and Ascherl. Trustee Swedyk attended virtually.

Ch. Fischer stated that Ms. Aceto will serve as a full voting member in Mr. Marzullo's absence.

Ch. Fischer asked Ms. Aceto to introduce herself. Ms. Aceto stated she has been a Hinckley resident since 2016 and she works in Real Estate.

Ch. Fischer asked if everyone had received and reviewed the minutes from the Zoning Commission Organizational Meeting on January 5, 2023 and if there were any comments or corrections. Ms. Engleman requested an amendment to state that she had asked how Sunshine Law Training applied to her.

Ch. Fischer stated he would entertain a motion to approve the January 5, 2023 Zoning Commission Organizational Meeting minutes, as amended.

- Mr. Manley moved and Ms. Engleman second.
- There was no further discussion.
- Board was polled, Ms. Aceto abstained.
- All others were in favor.

Ch. Fischer asked if everyone had received and reviewed the minutes from the Zoning Commission Regular Meeting on January 5, 2023 and if there were any comments or corrections. There were no requested amendments.

Ch. Fischer stated he would entertain a motion to approve the January 5, 2023 Zoning Commission Regular Meeting minutes, as written.

- Ms. Crew moved and Ms. Engleman second.
- There was no further discussion.
- Board was polled, Ms. Aceto abstained.

- All others were in favor.

Ch. Fischer stated there is no Old Business so he will move to New Business.

Ch. Fischer stated he would like to suggest they discuss topics that have been brought up previously and determine if there is interest among the Board to move forward on any of the topics. Ch. Fischer stated that after the Board's discussion on each topic he will open discussion to the public present.

Ch. Fischer asked if the Board would have interest in discussing outdoor light control, which has been brought up before by residents who are adjacent to Business Districts. Ch. Fischer stated they could discuss regulating the lights through lumens that are produced, number of lights that a business is able to use per a square area, or the direction of the lights.

Ms. Crew asked about a previous discussion the Board had regarding maintaining a file of concerns brought to the Township by the residents, and Ch. Fischer stated they have not received any concerns and that was confirmed by Trustee Augustine.

Ch. Fischer stated the outdoor light issue has been brought up before, and he had reviewed Sedona's code regarding this matter. Their outdoor lighting chapter applies to buildings and structures, recreational areas, parking lot lighting, landscape lighting, and other outdoor lighting. Ch. Fischer stated the Township wouldn't need to be this expansive, but they could consider regulating lighting in Business Districts and front signage of communities and other areas as well.

Ms. Aceta asked for an explanation on why Sedona was brought up, and Ch. Fischer explained that at a previous meeting someone had mentioned they had been to Sedona and they liked how Sedona limited the light pollution. Ch. Fischer stated that what Sedona does is regulate the height of the fixtures, not to exceed 20 feet and they limit the wattage of lights used after 11:00 pm to 150 watts and light cannot be directed upon any adjacent property. Ch. Fischer stated he would like to caution that lighting measurements could be difficult to enforce, and Hinckley doesn't have the manpower to enforce it. Ch. Fischer stated they could possibly have the ability at the preliminary or final site plan review for projects to put conditions on lighting. Discussion followed regarding lighting control and if the Board has interest in pursuing this topic.

Ch. Fischer stated that the purpose of tonight's open discussion is to review possible topics and decide if the Board wants to move forward on particular topics. Ms. Crew stated she feels that lighting might be an issue, and she feels they should continue to consider that. Ch. Fischer stated that they should consider the lighting in the Industrial District as well because there is the potential for further development along these districts. Ch. Fischer asked if maybe they should also consider allowing property owners do what they want with respect to lighting since Hinckley is a Township.

Ch. Fischer stated he feels there is some interest with the Board to at least discuss lighting at the next meeting. Ch. Fischer suggested looking at other Townships in the area to see what they are doing for lighting. Ms. Crew agreed and Ms. Engleman stated she is very interested in the safety issue aspect of lighting. Ch. Fischer asked the Board to look at lighting control in other Townships and municipalities to

use for reference. Ms. Engleman suggested that an area of interest might be where residential property abuts commercial property. Further discussion followed.

Ch. Fischer asked if there were any public comments regarding lighting. Trustee Augustine stated that her conversations with residents regarding this topic have been split - residents on Bellus and Stony Hill are seeing the glaring lights from Brunswick. Trustee Augustine stated they can't do anything about Brunswick's lighting but they could look at the lighting in Hinckley. Additionally, Trustee Augustine stated she has spoke with business owners who don't feel safe going to their cars at night because there is not adequate lighting in Town Square.

Richard Pearl – King Road, Hinckley, OH

Mr. Pearl asked if the Board would also consider the color of the light and also if the Board would consider the residential lighting. Mr. Pearl stated, for example, should a residential development be permitted to light their monument sign by the road with a very bright light. Mr. Manley stated he believes there are some regulations regarding this.

Ms. Engleman asked if Ch. Fischer had an opportunity to speak with the Hinckley Township Board of Zoning Appeals Chairperson regarding issues they have seen over the years. Ch. Fischer stated he didn't speak with the BZA Chair, but he spoke with the Township Zoning Department, and they said last year's amendments pertaining to how close accessory structures could be to the home would be a big help. Ch. Fischer stated that what comes up frequently are variance requests for pools, which are required to be 15 feet from the home, and some homeowners want them to be closer.

Jim Larsen – 20 Carr Road, Hinckley, OH

Mr. Larsen stated the most immediate issues they will come up with are going to be primarily residential abutting retail and commercial properties, specifically, on W. 130th by the high density senior housing and/or the potential for a drug mart, or similar establishment, being built on the corner of W. 130th and Rt. 303. Mr. Larsen stated he felt the Board shouldn't wait for similar projects to come in before they discuss this topic.

Ch. Fischer suggested that zoning should be considered 5 – 10 years in the future, and that is why he talked about the opportunities for development in areas in the next 5-10 years. Ms. Engleman suggested trying to retain some of the taller trees along property lines. Ch. Fischer stated they can regulate the setback but not the trees. Further discussion followed. Ch. Fischer stated he would welcome any proposed language that the Board would like to discuss and review.

Jim Bialowski – 2300 Sandy Creek Trail, Hinckley, OH

Mr. Bialowski stated that from Arborcrest they can see the lights from Aldi, so he feels that setbacks won't make a difference with that and he feels that lighting will be difficult to regulate but it should be looked into for the future.

Ch. Fischer stated he would keep lighting on the agenda for the next Zoning Commission meeting.

Ch. Fischer stated the next item for discussion is the B-1 District at Bellus and Hinckley Hills. Ch. Fischer stated last year they had worked on a proposal to change that B-1 District to a Residential District and they ultimately recommended that it remain a B-1 District. The Trustees agreed and it was maintained as a B-1 District. Ch. Fischer stated the Comprehensive Plan puts the area at W. 130th and Boston as a B-2 District. Ch. Fischer suggested that one option could be to follow the Comprehensive Plan and amend the Bellus/Hinckley Hills area to a B-2 District or maintain it as a B-1. Ch. Fischer stated this is a topic that the Board expressed interest in looking at again so he is asking for the Board's thoughts on pursuing this topic.

Mr. Manley stated because the Bellus/Hinckley Hills area is similar to the area at Boston/W. 130th it might make sense to change that area to a B-2 to maintain consistency. Ch. Fischer reviewed the Zoning Code regarding permitted and conditional uses with respect to the B-1, B-2, and B-3 districts. Discussion followed.

Ch. Fischer asked the Board if they would like to add to the agenda for the next Zoning Commission meeting the review of the Bellus/Hinckley Hills area and review of the permitted and conditional uses for the B-1, B-2, and B-3 Districts to determine what works best for that area. The Board agreed to add that to the agenda for the next ZC meeting.

Ch. Fischer stated one of the Board of Zoning Appeals Board members discussed with him the terms "Floor Area" and "Living Space" in the Zoning Code. Ch. Fischer stated he would like to suggest an agenda item to discuss if "Floor Area" and "Living Space" are the same thing or two different things and how they should be defined appropriately in the Zoning Code or should one be removed.

Ms. Aceto stated that there are two separate definitions for "Floor Area" and "Living Space" in Ohio and Ms. Aceto read the definitions - "Floor Area" is the total area that a building occupies on a plat of land. "Living Space" is a space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes.

Ms. Engleman stated that "Floor Area" is used throughout in the Hinckley Zoning Resolution and "Living Space" is just the definition. Ms. Engleman stated in 6.R.1 and 6.R.2 the term "Living Area" is also used. Ms. Engleman stated she is hesitant to change "Floor Area" because it is everywhere in the Zoning Resolution, however, they could possibly discuss the use of "Living Space" and "Living Area".

Ch. Fischer stated he will keep this item on the agenda so it can be discussed.

Ch. Fischer stated the next item for discussion are "Group Home", "Family Home" versus "Institution of Human Care". Ch. Fischer reviewed language in the Zoning Resolution regarding these items and stated there are no definitions in the Zoning Resolution to identify each of these separately. Ch. Fischer suggested they add this matter to the agenda for review so these terms can be clearly identified. Discussion followed regarding "Group Homes".

Ch. Fischer asked if there were any other topics the Board would like to work on, and no one had any other topic suggestions. Ms. Crew stated she wanted to be certain they are addressing what the complaints are from the public. Ch. Fischer stated the only other topic he has heard about recently was Service Stations.

Ch. Fischer asked if there was any public comment, and Mr. Pearl asked Ch. Fischer to review the discussions regarding Service Station language. Ch. Fischer gave a brief review. Ms. Crew stated she would like to continue discussion regarding the Service Station language.

Ch. Fischer began his Chairman's Report. Ch. Fischer stated that the Zoning Office has received a request for a Similar Use Finding. Ch. Fischer stated the Township Zoning Code allows for similar uses. The Code describes certain things permitted within each district, and then the Township allows for similar uses of these things. The Board of Zoning Appeals must then make a determination if a similar use is similar enough to something permitted or conditional within that District. Ch. Fischer stated that Sun Belt Tool Rental is looking to acquire 30 acres in the I-2 District off of W. 130th near Great Lakes Construction, and Sun Belt Tool Rental has requested a Similar Use Finding for this project. Ch. Fischer read through the permitted uses in the I-2 District and stated that Sun Belt will come before the Board of Zoning Appeals to request a Similar Use Finding. Ch. Fischer stated the Board of Zoning Appeals will hear this at the end of February, and the Zoning Commission will do a preliminary review and a final site plan review assuming the Similar Use Finding is granted.

Ch. Fischer stated the next regular Zoning Commission meeting is March 2, 2023 at 7:00 p.m.

Ch. Fischer asked if there were any other comments. Ms. Engleman referred to an email from Mr. Pearl that had been distributed to the Board. Ms. Engleman stated there is language in the email that refers to what appears to be a quote that she made, and Ms. Engleman stated that she didn't make the statement that is in quotes. Discussion followed.

Mr. Bialowski stated at the last several Trustee meetings there has been discussion on zoning fees regarding fences, and he encourages the Zoning Commission to consider creating a definition or creating specific language on whether a fence under 6 foot is considered to be a structure and that would alleviate concerns regarding a \$75.00 fee.

Ch. Fischer stated that fences are currently structures and only the Trustees have the option to set the fees. Ch. Fischer stated from a Zoning standpoint they have always required fences, even under 6 feet, to have an inspection. Discussion followed.

Ch. Fischer stated that having a conversation with the Zoning Inspector prior to building the fence minimizes future conflict, so it is very beneficial to have the Zoning Inspector look at these things, and the current language gives the Zoning Inspector the authority to do that. Ch. Fischer stated he feels the Trustees can decide on the fees and determine a fee for over 6 feet and under 6 feet, but the Zoning Inspector should have the ability to look at fences.

Trustee Augustine noted that the Hinckley Record is published on the 15th of the prior month, so the information being received is delayed. Trustee Augustine stated that the Trustees decided to associate a \$75.00 fee for fences as long as it is 6 feet or higher, they will not be charging for anything below 6 feet and it has always been that way, but they do require a permit. Trustee Augustine stated one of the biggest issues in the Zoning Department is fencing being placed on someone else's property. Ch. Fischer stated the only thing they have recently changed is giving the Trustees the option to charge a fee.

There being no further business, Ch. Fischer entertained a motion to adjourn the February 2, 2023 Zoning Commission Regular Meeting.

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

The Zoning Commission Regular Meeting was adjourned at 8:16 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2023

Marcus Fischer, Chair

Michelle Crew, Vice-Chair

(absent)
Matt Marzullo, Member

Dave Manley, Member

Cindy Engleman, Member

Mandria Aceto, Alternate