

# RECORD OF PROCEEDINGS

Minutes of

## MADISON TOWNSHIP ZONING COMMISSION PUBLIC HEARINGS & REGULAR MEETING MINUTES

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Monday, December 2, 2020 20  
7:00 p.m.

The Madison Township Zoning Commission Meeting was called to order at 7:12 p.m. by Chairman Diak, with the following people present: Mr. R. Rothlisberger, Mr. B. Diak, Mr. J. Hyrne, and Mr. J. Witt. Ms. A. Wisniewski was not present during roll call. Mrs. M. Howell was present as Zoning Inspector.

Mrs. Howell requested a motion to approve the minutes from the November 9, 2020 Meeting.

A motion was presented by Mr. Witt to approve the minutes from the November 9, 2020 Meeting, seconded by Mr. Hyrne.

Roll call: Mr. Rothlisberger: Yes Chairman Diak: Yes  
Mr. Hyrne: Yes Mr. Witt: Yes

Ms. Wisniewski arrived for the meeting.

Ms. Wisniewski abstained due to the fact that she was absent from the November 9, 2020 Meeting.

Mrs. Howell stated that before the Public Hearings proceed she would like to inform the Board of a couple inquiries she has had regarding The Lantern property. She informed the Board that Section 142.4.5.6; Public Facility Areas states they are conditionally permitted in all zoning districts, except M-1. Mrs. Howell stated that if you refer to Table 114.3: Permitted Use Table, under Other Use, based on the language in Section 142.4.5.6, the Table should have a "C" in the P-1 Zoning District for Residential Care Facilities. She added that she believes this is a typo. Mrs. Howell requested a motion from the Board allowing the typo in Table 114.3 to be corrected.

A motion to correct the typo in Table 114.3 was presented by Mr. Hyrne, seconded by Mr. Witt.

Roll call: All "Ayes."

Mrs. Howell stated for the record that there are two (2) Public Hearings this evening, the first hearing is for Re-Zoning Request #20-001, for 5813 N. Ridge Rd., Permanent Parcel #01-B-126-0-00-019-0. She stated for the record that the owner is C & G Properties LLC, Mr. Claude Paquet and that the Re-Zoning Request is to re-zone the parcel from A-1, Agricultural to B-2, Regional Business. Mrs. Howell informed those in attendance that this Re-Zoning Request was initiated by the Madison Township Board of Trustees, via Resolution #20-126, because when the owner applied for a Conditional Use Permit, it was discovered that the property is currently zoned A-1, Agricultural, and the property has been commercially used for more than a decade. An Adult Day Care is conditionally permitted in the P-1, Professional Business and B-2, Regional Business Zoning Districts. Mr. Claude Paquet has signed an acknowledgement letter stating that he agrees with the Re-zoning, at the Township's expense.

Mrs. Howell stated for the record that the Neighbor/Owner letters were mailed on November 17, 2020 and the Hearing was advertised in The News-Herald Legal Section on November 19, 2020. Mrs. Howell informed those in attendance that the Lake County Planning Commission met on November 24, 2020 and recommended to approve the proposed zoning district change from A-1, Agricultural to B-2, Regional Business, with no further recommendations. She also stated that the Zoning Office received one (1) letter from an adjacent property owner regarding the Re-Zoning Request.

Mrs. Howell read the adjacent property owner's letter from Beach Excavating for the record: *Mr. Walland, We are in receipt of your letter dated November 17, 2020 regarding the zoning change of 5813 N. Ridge Rd. Madison. I am sure you are aware the aforementioned property is located within feet of our rental house, located at 5825 N. Ridge Rd., In the past our*

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*tenants have had to tolerate the rental car agency with comings and goings all time of night and day. Then the huge lit sign that even with heavy blinds lit up the entire home inside. Our new concern is the zoning change because of the exact location of both buildings and parking area. This change would open doors that could most likely impact our income from this property. As you know, we are all on septic and we do not feel the property at 5813 has an area large enough to facilitate a new system if needed, as our property wraps around the back of this home. We appreciate your consideration of our position in this matter. Respectfully Submitted, Beach Excavating, Mr. Richard Beach, President.*

Chairman Diak invited anyone wishing to speak regarding this Public Hearing to the podium.

Mr. Claude Paquet, 5791 N. Ridge Rd., Madison, OH.

Mr. Paquet stated that the property has been owned by him and used commercially for twenty (20) years. He stated that he was surprised to find out the parcel was not zoned commercial. Mr. Paquet stated that he finds it hard to believe that the adjacent parcel would be impacted financially by his parcel, as stated in the letter that was read. He also added that the new tenant (Adult Day Care) has very light traffic.

Chairman Diak asked if there was anyone else who wished to speak. No one else came forward.

Chairman Diak requested a motion to make a recommendation to the Madison Township Board of Trustees to approve the Re-Zoning of 5813 N. Ridge Rd., Permanent Parcel #01-B-126-0-00-019-0, from A-1, Agricultural to B-2, Regional Business.

A motion was presented to make a recommendation to the Madison Township Board of Trustees to approve the Re-Zoning of 5813 N. Ridge Rd., Permanent Parcel #01-B-126-0-00-019-0 from A-1, Agricultural to B-2, Regional Business by Mr. Hyrne, seconded by Ms. Wisniowski.

Roll call:

Mr. Rothlisberger: Yes

Chairman Diak: Yes

Ms. Wisniowski: Yes

Mr. Hyrne: Yes

Mr. Witt: Yes

Mrs. Howell stated that the Re-Zoning Public Hearing closed at 7:19 pm.

Mrs. Howell informed Mr. Paquet that the information for the rezoning will be presented to the Trustees on December 8, 2020 and at that time they will set their own Public Hearing.

Mrs. Howell stated for the record that the next Public Hearing is for proposed text changes to Sections 101, 114, 129, and 142 of the Madison Township Zoning Resolution. She informed those in attendance that the Zoning Commission held Workshops on August 10<sup>th</sup>, September 14<sup>th</sup>, October 12<sup>th</sup>, and November 9<sup>th</sup> for the proposed text changes.

Mrs. Howell stated for the record that the Public Hearing was advertised in The News-Herald Legal Section on November 19, 2020 and that the Zoning Office has had no inquiries regarding this matter. She informed those in attendance that the Lake County Planning Commission met on November 24, 2020 and recommend all of the modifications to the language, with the following changes:

*For Section 114.2.1.1, remove manufacturing business from the Work/Live use regulations, and adding a percentage ratio for work versus live space, and consider the legal non-conforming, and whether or not a property owner would like to convert back to full residential, and for*

*Outdoor Storage, a definition should be created, what can be stored, where it should be located, who owns it, whether it is meant to be in conjunction with a self-storage facility.*

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Held Monday, December 2, 2020 20        
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Mrs. Howell stated for the record that there has been no contact from anyone regarding the proposed text changes.

Mrs. Howell informed those in attendance that she updated the proposed changes and created a definition for Outdoor Storage, which was emailed to the Board prior to this meeting. Mrs. Howell read the proposed definitions to be added to Section 101, for the record:

*Outdoor Storage: A storage area that shall be an Accessory Use to and located on the same property as a Self-Storage Facility, where outdoor spaces are leased or rented for the storing of personal property, such as boats, rv's, and campers. The Outdoor Storage area shall not be visible from the road and shall not create any adverse impacts on adjacent properties.*

*Self-Storage Facility: A facility that provides secured self-storage units of varying sizes within one (1) or more completely enclosed buildings/structures, leased or rented for varying periods of time, in which a renter customarily stores and removes personal property on a self-service basis.*

*Similar Use: A use not specifically listed in Table 114.3, which shall require a Conditional Use Permit, approved by the Board of Zoning Appeals, and shall also require a Site Development Plan Review by the Zoning Commission.*

*Work/Live Unit: An existing building used jointly for commercial and residential purposes, where the residential use of the space is secondary or accessory to the primary use as a place of work.*

The Board had no changes for the proposed definitions as read.

Mrs. Howell stated for the record that the next proposed change is to add:

*Section 114.2.1.1: Work/Live Units: In order to encourage greater utilization of existing residential structures in the P-1, B-1 or B-2 Commercial Zoning Districts and to promote the economic well-being of the Township, existing structures may be used in accordance with a commercial development plan per Section 126, and shall comply with the following requirements:*

*As used in this Resolution, a "work/live unit" means an existing structure that combines a commercial activity permitted in Table 114.3 with an accessory residential living space for the owner of the commercial or manufacturing business and that person's household.*

*Only existing structures shall be permitted to be occupied as a Work/Live Unit.*

*Within each Work/Live Unit, there shall be separate amenities for the residential area.*

Mr. Hyrne commented that the word manufacturing appears twice and believes it should be removed in both locations. The Board agreed with Mr. Hyrne's observation.

Mrs. Howell stated for the record that the next proposed change is to amend the language for Section 114.2.4 to read:

*A "Similar Use" requires a Conditional Use Permit (See Section 142.4.5.28) approved by the Board of Zoning Appeals and shall also require a Site Development Plan Review by the Zoning Commission.*

The Board agreed to the amended language for Section 114.2.4.

Mrs. Howell stated for the record that the next proposed change is for updating the permitted uses for B-3 and M-1 Zoning Districts. Mrs. Howell read the proposed updates to Table 114.3:

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For the B-3 Zoning District, adding Small Retail, Large Retail, Antique & Thrift Stores as permitted uses, and for the M-1 Zoning District, adding Government Offices, Small Retail (Conditional), Large Retail, Antique & Thrift Stores, Animal Boarding, Animal Grooming, Veterinary Services, Small, Garden, Nursery Retail, Home Improvement Retail, Business Services, Gas Stations, Carwash, Auto Rental/Leasing, Equipment Rental/Leasing, Auto Livery, New Motor Sales, Pre-Owned Auto Sales (Conditional), Automotive Services, Automotive Repair, Landscaping Services, Agricultural Sales and Service, Large Animal Veterinary Services, Civic, Social & Fraternal Organizations, and U.S. Postal Service as permitted uses.

Mrs. Howell stated for the record that the proposed change for adding Self-Storage Facility, Similar Use, Work/Live Unit and Outdoor Storage as an accessory use to a self-storage facility, if approved, would allow a Self-Storage Facility in the B-2, B-3, and M-1 Zoning Districts as a Permitted Use, a Similar Use would be Conditionally Permitted in P-1, B-1, B-2, B-3, and M-1 Zoning Districts, a Work/Live Unit would be Permitted in the P-1, B-1, and B-2 Zoning Districts, and lastly an Outdoor Storage as an Accessory Use (to a Self-Storage Facility) would be Permitted in the B-2, B-3, and M-1 Zoning Districts.

The Board agreed to all of the updates to Table 114.3.

Mrs. Howell stated for the record that the next proposed changes are for Section 129, Swimming Pools. Mrs. Howell informed those in attendance that the first paragraph reads, "or being required by the manufacturer to use a filter system" and stated that the Board has proposed removing that language from the first paragraph.

Mrs. Howell stated that the other change is for Section 129.1.2, changing the required minimum height of a fence or hedge for a private inground pool from *five (5) feet* to *forty-eight (48) inches*. She informed those in attendance that the State's guideline for a public inground pool for the minimum fence height is forty-eight (48) inches.

The Board agreed with the text changes for Section 129 – Swimming Pools.

Mrs. Howell stated for the record that the last Section for the proposed changes is a new section under Conditional Uses. She read the proposed language for Section 142.4.5.28:

*Section 142.4.5.28: Similar Use: A Similar Use shall be conditionally permitted in any business district and shall require the following:*

*142.4.5.28.1 An application for a Conditional Use Permit must be submitted in writing and must include a synopsis of the organizational structure of the business entity, including ownership and form of the entity, along with a discussion of all business activities proposed to be conducted on the specified premises. Business activities will include a listing of goods and services to be provided, a delineation between wholesale and/or retail orientation, projected employment statistics, hours of operation, types of equipment and supplies which will be stored and used on the premises, both indoor and outdoor, a discussion of the proposed use's impact upon local traffic, including on-site circulation and parking, a discussion of access for fire and safety forces and an informal discussion of plans for signage. A site plan indicating the general layout of the site including dimensions and measurements should be provided with the written petition.*

*142.4.5.28.2 Any similar use must ensure that all exterior lighting shall be directed toward the interior of the parcel so as to minimize light emission onto neighboring properties.*

*142.4.5.28.3 If not specifically addressed in this Section, all buildings and uses shall conform in all other ways to the requirements of the zoning district in which they are located.*

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Held Monday, December 2, 2020 20      
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142.4.5.28.4 Any Similar Use that is granted a Conditional Use Permit is required to have a Site Development Plan Review by the Zoning Commission.

The Board had no further changes for this Section.

Mrs. Howell stated for the record that if the Board agrees with all of the proposed changes she will need a motion to make a recommendation to the Madison Township Board of Trustees to approve the proposed text changes to the Madison Township Zoning Resolution.

A motion was presented to make a recommendation to the Madison Township Board of Trustees to approve the proposed text changes to the Madison Township Zoning Resolution by Ms. Wisniowski, seconded by Mr. Rothlisberger.

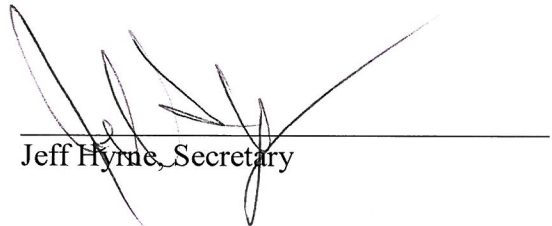
Roll call:                      Mr. Rothlisberger: Yes                      Chairman Diak: Yes  
   Ms. Wisniowski: Yes                      Mr. Hyrne: Yes                      Mr. Witt: Yes

There being no further business before the Board, a motion to adjourn the Meeting at 7:40 p.m. was presented by Mr. Hyrne, seconded by Mr. Rothlisberger.

Roll call: All "Ayes."



Bob Diak, Chairman



Jeff Hyrne, Secretary

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