

RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP ZONING COMMISSION REGULAR & WORKSHOP MEETING MINUTES

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Monday, September 14, 2020

20

7:00 p.m.

The Madison Township Zoning Commission Meeting was called to order at 7:00 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 absent. Mr. F. Walland was present as Zoning Inspector, and Mrs. M. Howell.

Mr. Walland requested a motion to approve the minutes from the August 10, 2020 Meeting.

A motion was presented by Mr. Hyrne to approve the minutes from the August 10, 2020 Meeting, seconded by Mr. Rothlisberger.

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

Mr. Walland asked if there was any new or old business the Board wished to discuss. The Board had no new or old business to discuss at this time.

Mr. Walland informed those in attendance that this evenings Workshop portion of the meeting is to discuss several different proposed text amendments that he and Mrs. Howell have had some discussions about. Mr. Walland stated that the first item is regarding Self-Storage Facilities. He directed the Boards attention to the Proposed Text Changes for Section 101 Definitions. Mr. Walland asked Mrs. Howell to explain to the Board the proposed definitions for a Self-Storage Facility. Mrs. Howell informed those in attendance that there are two (2) potential definitions for a Self-Storage Facility, one being the definition that Mr. Kevin Grippi, Smolen Engineering, supplied and the other definition is one pulled from doing a search for self-storage facility definitions on the internet. Mrs. Howell stated to the Board to please feel free to amend, or combine any language they feel would be best for a definition. Mrs. Howell added that the recommended permitted districts of B-2, B-3, and M-1 are only a suggestion from the Zoning Department.

The Board was asked if there are any questions regarding this item. Mr. Witt asked if warehousing was still going to stay in this section. Mrs. Howell stated that warehousing, as it is referenced in the Zoning Resolution, is not a self-storage facility. It is in reference to the storage of raw materials or finished goods. Mr. Walland stated that he prefers the second definition, because it refers to completely enclosed buildings. Mr. Diak commented that it is a little stronger, more defined definition. Mrs. Howell added that if that definition is used, the other self-storage facilities will not be in compliance and requiring only enclosed buildings seems to be too restrictive, because people do need places to store boats, and rvs. Mr. Walland stated that is a good point. Mr. Diak stated that there would need to be more language for regulating outdoor storage. Mrs. Howell stated that the definitions are just a starting point for the Board to create a definition.

Mr. Hyrne asked what would be done with rvs and boats. Mr. Walland commented that he would not want them to be out by a road. He added that he thought Blue Spruce was going to be coming back in for a large enclosure for storage of these types of items. Mr. Diak stated it is a need, but there would need to be regulations for outdoor storage. Mr. Hyrne asked if the proposed greenhouse type of structure for storage use that Blue Spruce brought before the Board last year would be considered a building. Mr. Witt stated it would be considered a temporary structure. Mr. Walland added in his opinion it would be considered an accessory structure, nothing is temporary. Mr. Rothlisberger added everything is temporary, except for the pyramids. Mr. Hyrne added the definition states buildings. Mrs. Howell reiterated that this is just a starting point for the Board to create a definition for self-storage facilities.

Mr. Walland invited Mr. Kevin Grippi, from Smolen Engineering, to address this item.

Mr. Kevin Grippi, 1876 SR 46 N., Jefferson, OH 44047.

Mr. Grippi stated that there is a definite need for outdoor storage and suggested guidelines be set, such as the number of units per acre, so that there could be accommodations for these

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types of items. Mr. Walland stated that people can store trailers and boats on their own property. Mr. Rothlisberger commented that it would need to be titled/plated. Mrs. Howell stated that we do not regulate boats, and a trailer that hooks up to the back of a truck, is not a motor vehicle. Mr. Witt commented that the Board basically needs to decide if a self-storage facility is going to be for inside and outside storage. Mr. Witt also added that we are not a city, we are a township. Mr. Rothlisberger suggested that outside storage be set up as an accessory use to an inside self-storage facility. Mr. Witt asked what if someone towed cars and stored them at a self-storage facility. Mrs. Howell commented that a self-storage facility is not a salvage yard. Mrs. Howell added that a self-storage facility is for personal items, not someone else's items.

Ms. Sandy Owens, 8531 Center Rd., Austinburg, OH.

Ms. Owens stated that the owner of a self-storage facility with outdoor storage could require a copy of a title and driver's license to show proof of ownership if an individual wanted to store a personal vehicle. Mr. Diak added proof of insurance would also be a good idea. The Board discussed the fact that these types of requirements would need to come from the owner of a self-storage facility.

Ms. Owens asked the Board if there were constraints created for her business would the current self-storage facilities be required to adhere to those constraints. Mr. Rothlisberger explained that those existing businesses would be considered legal non-conforming and as long as the business did not cease to operate for more than two (2) years than it could continue doing business as a legal non-conforming business. Ms. Owens asked what if it changed ownership. Mr. Rothlisberger stated the business could continue under new ownership as long as the business did not cease to operate for more than two (2) years.

Ms. Owens thanked the Board for their time.

Mr. Walland stated the next item on the agenda is for a proposed work/live unit, which has been discussed before. Mrs. Howell informed the Board that the hearing for a work/live unit was never advertised, so the topic was never formally heard. She informed the Board that she and Mr. Walland discussed the fact that maybe the Board wanted to consider this proposed change. Mrs. Howell added that she and Mr. Walland discussed maybe adding, existing structure, to the language, so as to limit someone from building a new work/live unit. Mrs. Howell stated that there are a number of existing structures within the Township that are operating in this manner. Mr. Rothlisberger asked if the suggestion is for just existing buildings. Mrs. Howell read the proposed text for the record; *In order to encourage greater utilization of existing 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:*

Mr. Walland added that there are several examples of existing structures being used in this manner. Mr. Rothlisberger asked if the proposed text would allow for the modification of an existing structure, but not allow for a new structure. Mr. Walland stated yes.

Mr. Walland also added that Mr. Rose's property at Route 528 and Warner Road who's intentions, as far as he is aware, are to live in the upstairs and operate a craft beer and sandwich shop on the main floor. Mr. Rothlisberger stated that he did not feel that the language should be created to match Mr. Rose's intentions. Mr. Rothlisberger questioned if Mr. Rose had come in a year ago and this language was in place, would he have been told no, because it would have been a new building. Mrs. Howell stated the structure already existed, but there was a problem with the foundation. Mr. Walland stated that Mr. Rose wanted to make sure the structure was sound before he started any electrical or plumbing repairs. He informed those in attendance that the foundation was compromised, so Mr. Rose applied for a

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structural alteration permit and restored the foundation and put the building back, on the same footprint. Mr. Walland stated he issued the permit with no proposed use at the time. Mr.

Walland asked the Board how that is different than a store that operates twenty-four (24) hours a day, and what the negative impact would be.

Mrs. Howell stated that there are small businesses that currently exist like this proposal. Mr. Diak commented that there are more than we even know. Mrs. Howell stated that knowing these small businesses exist, it is also good for the fire department to be aware of these types of businesses.

Mr. Hyrne commented that he thought Mr. Gary Pasqualone was the one who said this item should be removed from consideration. Mrs. Howell stated that from any discussions she has had with the Trustees, this item was not being done for just Mr. Rose, it was for the Township as a whole. Mr. Rothlisberger stated that he feels this proposed text still needs some work.

Mr. Rothlisberger asked if the next meeting will be on October 12, 2020, being that it is a holiday (Columbus Day). Mr. Rothlisberger added that he will be out of town, but should be back by 7 pm.

Mr. Walland stated that the next item on the agenda is in reference to Section 114.2.4 - he informed those in attendance that this particular section is very restrictive, stating that if a specific use is not listed in Table 114.3, that it shall be prohibited. Mr. Walland stated that in his experience it is impossible to list every possible business activity in Table 114.3. He informed the Board that a lot of communities have language for "similar uses" in their text.

Mrs. Howell commented that if the Board decided to add similar uses as a business activity in Table 114.3, then Section 114.2.4 language could be changed to: *A Similar Use business activity shall require confirmation from the Zoning Inspector as a "like use" and comply with Section 126.* Mr. Hyrne stated that a definition would need to be created for similar uses. Mr. Walland stated that it would be subjective. Mr. Hyrne added that he did not feel it should be that subjective. Mrs. Howell added that is why this information is being provided to the Board as a start. Mr. Witt commented back in the day a store was a store, nowadays they are very specific. Mr. Walland stated that the Board needs to have faith in the Zoning Inspector in order to make this type of determination. Mr. Diak agreed with Mr. Walland's comment. Mr. Rothlisberger asked if there would be any legal standing if a similar use was denied. Mr. Walland stated if that occurred, then it would be taken to the Board of Zoning Appeals, as a misinterpretation by the Zoning Inspector. Mr. Walland reiterated that it is an opinion and the Board should have faith in the Zoning Inspector. Mr. Walland informed the Board that in having discussions with one of the Trustees, it has been said that there needs to be sound reasoning behind a subjective decision. Mr. Diak stated that you cannot cover every single detail, that there has to be some flexibility and trust.

Mrs. Howell stated that the next item is for proposed language being added to each of the business district descriptions, to allow for pyramid zoning. Mr. Rothlisberger asked if that would be for all the way down the line of the commercial districts. Mr. Rothlisberger stated that he would rather re-visit the permitted use table and perhaps add other permitted uses to the various commercial districts. Mrs. Howell asked the Board to please review Mr. Rothlisberger's suggestion. Mr. Rothlisberger commented that the word similar scares him, because it leaves things too open.

Mr. Walland stated the last proposed change is for Section 129, Swimming Pools. Mrs. Howell stated that our current private swimming pool requirements require private inground pools to have a fence with a minimum height of five (5) feet. She informed the Board that the State requirements [Ohio Administrative Code 3701-31-05.1(O)] for a public inground pool require a fence at least forty-eight (48) inches in height. Mr. Walland stated that in his opinion our private inground pool fence height should be in-line with the state requirement. Mr. Rothlisberger commented that if we are reviewing the pool section, maybe this Board should consider changing the permit requirement for any pool that is taken down each year. Mr. Rothlisberger stated in his opinion if a pool is taken down every year, it would be temporary and should not require a permit.

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Mr. Rothlisberger commented then a blow-up pool with a filter would need a permit and he disagrees with that requirement. Mr. Walland commented that the filtration requirement could be removed from the language.

Mrs. Howell asked the Board to discuss the next meeting date. The Board discussed and agreed to keep the October Meeting date for Monday, October 12, 2020. Mr. Hyrne asked if the Board can communicate electronically any changes or suggestions before the next meeting, so that things can possibly move forward at the next meeting. Mrs. Howell stated, please do, that she will make any modifications she receives from the Board via email. Mr. Rothlisberger commented that he is in agreement with sending any tweaks to the proposed changes via email.

Mr. Walland informed those in attendance that the Verizon Store is moving along. Mr. Hyrne asked if they hit water. Mr. Walland stated that there is a huge de-watering system, which all dumps into the detention pond right now.

Mrs. Howell informed the Board that there was a BZA Conditional Use Permit approved for an Adult Day Care/Day Hab for the old Western Reserve True Value Store and there is another Adult Day Care CUP coming in for the property just east of Paquet Auto Sales. Mr. Walland stated the need has come about because of the COVID-19 restrictions on these type of facilities.

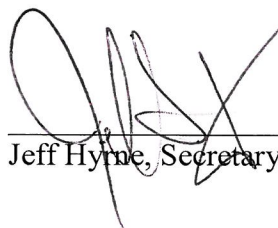
Mr. Walland stated that Ace Hardware is going into the Chapeldale Plaza, with no expansion of the building. Mrs. Howell stated that Mr. Walland is not requiring a Site Development Plan Review at this point because everything is pre-existing. Mr. Hyrne asked if what is going on at the Ace Hardware building is just like what Western Reserve Hardware did. Mr. Walland stated that there is no modification to the footprint of the building and the True Value Store did a demo and constructed a new sixteen hundred (1,600) square foot addition to the structure. Mr. Walland stated Ace Hardware has not expanded the building. Mr. Walland stated they are just replacing the canopy on the building and the parking will be resurfaced. Mrs. Howell stated they are also replacing/repairing the current sidewalk along the building. Mr. Walland stated that it is just the façade that is being modified on the Ace Hardware Store. Mr. Walland stated that Section 126 refers to the Zoning Inspector's discretion. Mrs. Howell stated that Section 126 reads that any minor remodeling or alterations which do not affect the purpose of Section 126 or surrounding properties shall not be subject to the Site Plan Review Process, but shall be subject to submitting all drawings, plans or other documents required to obtain a Zoning Certificate. Mr. Hyrne asked if Mr. Walland considers what is being done at Ace Hardware as minor. Mr. Walland stated that he considers the alterations minor. Mr. Walland stated that it is a judgment call. Mr. Diak referenced the old KMart Store when Family Farm and Home came in. Mr. Walland stated that a Site Development Plan Review was required because the building had been vacant for so many years and there were outdoor display areas indicated on the plans that he felt the Board should review.

There being no further business before the Board, a motion to adjourn the Meeting at 8:27 p.m. was presented by Mr. Witt, seconded by Mr. Hyrne.

Roll call: All "Ayes."



Bob Diak, Chairman



Jeff Hyrne, Secretary