

RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP ZONING COMMISSION PUBLIC HEARING & REGULAR MEETING MINUTES

Meeting

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

Held Monday, February 8, 2021 7:00 p.m. 20

The Madison Township Zoning Commission Meeting was called to order at 7:04 p.m. by Chairman Wisniowski, with the following people present: Mr. R. Rothlisberger, Ms. A. Wisniowski, Mr. J. Hyrne, Mr. J. Witt, and Mr. Diak. Mrs. M. Howell was present as Zoning Inspector.

Chairman Wisniowski requested a motion to approve the minutes from the January 11, 2021 Meeting.

A motion was presented by Mr. Diak to approve the minutes from the January 11, 2021 Meeting, seconded by Mr. Rothlisberger.

Roll Call: All "Ayes."

Chairman Wisniowski stated for the record that this evening there is a Site Development Plan Review for Mr. Kevin Jones, Ace Hardware for an accessory structure. Chairman Wisniowski asked Mrs. Howell to provide the details for the Public Hearing.

Mrs. Howell stated for the record that Mr. Kevin Jones, 1969 Hubbard, LLC, has submitted a request for a Site Development Plan Review for a proposed 38' X 80' accessory structure for the Ace Hardware Store located at 1969 Hubbard Road, Permanent Parcel #01-B-097-0-00-042-0. Mrs. Howell informed those in attendance that Mr. Jones had sent an email on January 28, 2021 stating that he would not be able to attend the Meeting, but that Mr. Bob Batista, the General Contractor or Mr. Steve Ciciretto, the Architect, would be attending on his behalf. She stated for the record that when Mr. Jones came in for an initial meeting for his site, he, at that time, was proposing a 40 X 80 addition to the building. He was informed at that time, that the proposed addition would need a Site Plan Review. Mr. Jones opted not to include that in his initial plan, so that he could keep moving forward with the project. Mr. Jones applied for an Accessory Structure Permit and was informed that an accessory structure of this size would need a Site Plan Review by the Zoning Commission.

She also stated that the Zoning Office has received letters of approval from the Madison Fire District and the Lake County Soil and Water Conservation District.

Mrs. Howell stated for the record that the Applicant and Neighbor letters were mailed on January 19, 2021, and the Public Hearing was advertised in The News-Herald Legal Section on January 21, 2021, and that there has been no correspondence from neighbors regarding this Site Plan Review.

Mrs. Howell informed those in attendance that Mr. Jones has requested that the Board require one (1) solid waste receptacle for the parcel, instead of individual containers for each business. She informed the Board that Mr. Jones felt this would help to keep the back area of the parcel looking good and provide easier access for the solid waste truck. The Board agreed that one (1) solid waste container, large enough to provide for all tenants, would be the best option for the property.

Mr. Steve Ciciretto, Architect, 270 Park Place, Chagrin Falls, OH 44022.

Mr. Ciciretto stated that the proposed accessory structure will be for the storing of products and that customers will pick up purchased items, such as fertilizers, from this building. He informed those in attendance that the proposed building will be a white metal building with a gray roof and that it will be constructed where there is existing pavement, so there will not be an increase in the amount of impervious surface. He added that there will be green space "recaptured" out front in the parking area. Mr. Ciciretto informed those in attendance that the proposed building meets all the setback requirements and it will have twenty-five (25) feet between it and the main building. Mrs. Howell asked what the rear yard setback will be. Mr. Ciciretto stated for the record that the rear yard setback is thirty-five (35) feet, eight (8) inches and that the side yard setback to the north is fifty-two (52) feet, eight (8) inches and one hundred twenty (120) feet from the southern property line. Mr. Ciciretto stated that the overall height of the accessory structure is just under nineteen (19) feet.

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Mr. Witt asked if all existing utilities will stay the same. Mr. Ciciretto stated that the accessory structure will not have plumbing or heating. Mr. Witt asked about the utilities for the existing building. Mr. Ciciretto stated that all utilities will remain the same. Mr. Witt asked if the building is sprinklered. Mr. Ciciretto stated that the building is a 12,000 square foot facility. Mrs. Howell stated that the Madison Fire District will do an inspection on the main building. Mr. Ciciretto stated that the building has a three (3) hour fire wall, and the Fire Code allows for the two buildings to be combined when figuring total square footage, and because of the maximum allowable square footage, no sprinkler system is required. He did add that the storm drains will get tied into an existing storm line.

Chairman Wisniewski asked the Board if there were any other questions. The Board did not have any further questions. Chairman Wisniewski requested a motion to approve the Site Plan as presented, along with requiring only one solid waste receptacle for the entire parcel.

A motion was presented by Mr. Diak to approve the Site Plan for Mr. Kevin Jones, Ace Hardware, as presented, seconded by Mr. Rothlisberger.

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

Chairman Wisniewski requested a motion to close the Public Hearing.

A motion to close the Public Hearing at 7:14 p.m. was present by Mr. Hyrne, seconded by Mr. Rothlisberger.

Roll Call: All "Ayes."

Mrs. Howell informed the Board that Mr. Mark Mackovjak is present this evening so the Workshop portion of the meeting will be conducted after Mr. Mackovjak updates the Board on his project.

Mr. Mark Mackovjak, 7533 S. Ridge Rd., Madison, OH.

Mr. Mackovjak stated that he wanted to update the Board on his upcoming Site Development Plan Review Hearing. He informed those in attendance that it looks like he will be coming in for the Zoning Commission's April Meeting for the Site Development Plan Review. He informed the Board that he has received approval from the Madison Fire District. He stated that the Fire Department is requiring a fire hydrant, so that is being taken care of, along with a couple other items Terry Sopko wanted addressed. He also informed the Board that Lake County Soil & Water has approved the plan. Mr. Mackovjak informed the Board that the Lake County Stormwater Management has concerns regarding the surface water drainage. He stated that his engineer is working with the stormwater department. Mr. Witt asked if there is a retention pond on the property. Mr. Mackovjak stated that there are actually four (4) ponds on the eighty (80) acres that he owns, one within six hundred 600 feet. He stated that they may need to adjust the property lines and possibly change the elevation slightly, to ensure flow to the pond to the north. He added that they are working on it and it will be taken care of, but he does not believe he will make the March meeting for his Site Development Plan Review. Mr. Hyrne asked Mr. Mackovjak why the fire hydrant is required. Mr. Mackovjak stated that Mr. Sopko stated that the Fire Code requires a fire hydrant be located within four hundred (400) feet of a building. He also added that his sixteen (16) foot gate needs to be increased in size to a twenty (20) foot gate, due to Fire Code requirements. Mr. Mark Mackovjak stated that he really didn't want a twenty (20) foot wide gate, but that is another item needing to be addressed.

The Board thanked Mr. Mackovjak for stopping in and updating them regarding his progress.

Mrs. Howell stated that the next item on the agenda is the Workshop portion of the meeting. Mrs. Howell informed the Board that they all have, in front of them, paperwork regarding potential text changes. She informed the Board that the first item is a Resolution the Trustees adopted requesting the Zoning Commission to review the text language regarding political

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signs. She explained to the Board that the Township has had multiple calls regarding regulations for political signs and that there was a Supreme Court Ruling in 2015 that political signs are a freedom of speech. Mrs. Howell also stated that she has been in contact with Mr. Pasqualone, Township Solicitor, and that he will be providing language for the Board to review. Mr. Rothlisberger asked what sections would be affected by this. Mrs. Howell stated that Section 128, Political Signs and Section 101, Definitions.

Mrs. Howell stated that the second item is re-visiting the definition for funeral services. Mrs. Howell explained to the Board that a local funeral home called inquiring about crematories and that funeral services are a permitted use, but in reviewing the definition, crematories are excluded. She informed the Board that the definition excludes crematories and she is suggesting removing that part of the definition. She added that she spoke with Mr. Dave Radachy and he stated the definition came from Concord Township's Resolution. Chairman Wisniowski commented that cremations are very popular today.

Mrs. Howell stated that the next text review is for a Bed and Breakfast Conditional Use. Mrs. Howell informed the Board that she had a call from a property owner who owns a property in the A-R Zoning District and his parcel does not meet the minimum lot area for a B&B, however, the parcel is a lot of record. She informed the Board that Section 142.4.5.24.5 requires the minimum lot size for a B&B to be the current minimum lot size for the zoning district in which it is located. She stated that in her opinion, that requirement should either be modified or removed, because if someone has a lot of record that does not meet the current minimum lot area, they should not be denied to have a B&B as long as they can meet all of the other criteria, including water, sewer/septic.

Mrs. Howell stated that the fourth item under possible text amendments is for cabins and cottages. Mrs. Howell informed the Board that she has had a few inquiries about cabins/cottages. She stated that cabins and cottages fall under SIC Code 7011 for Hotels & Motels. She suggested that maybe the Board would like to consider adding them as an accessory use to a Winery. Mrs. Howell stated that there is a location in Geneva that has quaint cottages for rent. Mr. Rothlisberger asked if we currently allow them as an accessory use to a Winery. Mrs. Howell stated, no they are not in our current language as an accessory use to a winery. Mrs. Howell commented that she is being conservative, suggesting they be an accessory use to a winery and that maybe the Board would like to create language for a permitted use for these types of commercial structures. Mr. Hyrne asked if Camp Stigwandish was converting a building into a banquet hall. Mrs. Howell stated that when Mr. Walland had been in contact with the owner, he had informed the owner that a banquet hall is a permitted accessory use to a winery. Mrs. Howell commented that she heard that there was a fire there, but the Township has not heard anything about it as of yet. Mr. Witt asked if these would be like the tiny homes that were discussed a few years back. Mr. Rothlisberger commented that he felt these would be fixed structures, not portable, and with multiple cabins/cottages on a single parcel. Mrs. Howell agreed with Mr. Rothlisberger.

Mrs. Howell stated that the next item for review is regarding Section 140.1.7 and Section 140.1.8, along with the Fee Schedule for Certificate of Occupancy. Mrs. Howell stated that she does not believe Mr. Walland ever required someone to obtain this certificate. She explained to the Board that these two sections deal with a Certificate of Occupancy that the Township requires. She stated that in her opinion, a Certificate of Occupancy is issued through the Lake County Building Department, not through Township Zoning. Mrs. Howell added that the permit fee for a Single-Family Home used to be \$150.00 and the Certificate of Occupancy fee was and still is \$50 and currently the Single-Family Home permit fee is \$250.00. Mr. Diak commented that he knows Willoughby does and that it varies city to city, village to village. Mr. Rothlisberger asked if it was the Willoughby Building Department. Mr. Diak replied, yes. The Board discussed the issue and agreed that a Certificate of Occupancy is issued through a building department, not a zoning department.

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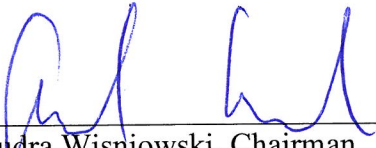
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Mrs. Howell stated the last item for the Workshop text changes is for Section 101, Definitions. Mrs. Howell stated that the Board does not have any paperwork for this item because Mr. Gauntner was in the office today and it was discussed to possibly add definitions for group home, residential care facility, and foster home. She informed the Board that she and Mr. Gauntner have had a couple discussions regarding group homes, residential care facilities and foster homes. Mrs. Howell informed the Board that the Zoning Resolution does not have a definition for any of these. Mrs. Howell stated that she would compile a list of potential definitions for the next meeting.

Chairman Wisniowski asked if there was any old or new business to discuss.

There being no further business before the Board, a motion to adjourn the Meeting at 7:42p.m. was presented by Mr. Hyrne, seconded by Mr. Diak.

Roll call: All "Ayes."



Audra Wisniowski, Chairman



Randy Rothlisberger, Secretary