

ZONING COMMISSION
April 11, 2024 - 6:00 p.m.
Work Session

Approved: RBJ 04-11-24

- I. Mr. Chairman called the meeting to order and roll call was taken.

Members present: Chairman Richard Bradner, Vice Chair Maryellen Burnham, Emily Hete, Kyle Craven, Marshal Pitchford, Legal Counsel Bob Konstand, Planning Director/Zoning Inspector Bill Funk and Zoning Assistant Nanci Noonan. Joy Kosiewicz and Scott Meyer were excused.

- A. Pledge of Allegiance
- B. Election of Officers: Mrs. Hete moved to continue the current officers, Mr. Bradner, Chair and Mrs. Burnham, Vice Chair; seconded by Mr. Craven. All in favor; motion carried.
- C. Approval of 12/14/23 and 1/25/24 Public Hearing minutes: Motion to approve by Mr. Pitchford; seconded by Mr. Craven. All in favor; motion carried.
- D. Mr. Funk presented the Zoning Report for January through March.
- E. Unfinished Business: none.
- F. New Business: Bob Konstand, sign regulation discussion. Mr. Konstand informed the Commission that we were served with a complaint regarding our sign regulations in the Zoning Resolution. The lawyer involved has sued several Townships that prohibit “off premises” signs. Our regulations state that if the business is on the property, you can advertise it. If it is not on the property, you cannot. Mr. Konstand shared that there is an Ohio Revised Code section that strictly prohibits this for townships. He believes it would be in our best interest to delete just the reference to “off premises” signs in our zoning resolution. However, he doesn’t think we allow anything larger than the 20 square foot monument signs, because that is all we allow the businesses to do. Mr. Konstand wanted to know how the Commission felt about dropping that verbiage and working with the attorney to minimize the damage. Mr. Funk shared that by saying “off premises” we’re basically regulating content – it’s a free speech issue.
- G. Bill explained that an applicant came in with part of an ARC application for a sign and we reached out to them to say we don’t allow for billboards or off premise signs. The applicant said, okay, send us an email and we’ll pull it. It happens that this application was for a piece of property on Route 18, west of Edwin Shaw, where another applicant got denied for something. Mr. Konstand will inquire of them to show any lease they have on the property and will work on getting the change put through. (Section 1306-F Prohibited Signs.) Bob hopes that, if we don’t allow businesses to go beyond the 20 feet without a variance, we are not discriminating by telling them to follow the rules. We do not have provisions for large signs. Pole signs and high-rise signs can remain as prohibited signs. The Commission felt this solution was a good one. Mr. Chairman polled the members and gained a majority of the quorum to provide a full-fledged support position for this proposed solution, with Bob and Bill going through the sign regulations first and then reviewing them together to move the process.

- H. Miscellaneous: Update on the Bath Township Comprehensive Plan. Mr. Funk shared that we have hired a group called Envision to help us through the process. We have started with a few meetings with the committee and worked through some mapping exercises to highlight five focus areas of concern. Mr. Funk highlighted those areas via the exhibits on screen. On April 24th a public meeting will be held at the Bath Elementary School from 6 PM to 8 PM and everyone is invited. Note: The Comprehensive Plan information is on the Bath Township website; see below for the link.

Bill updated the Commission on the Sheetz/Texas Roadhouse project and shared that they have received tacit approval from O.D.O.T. for their traffic study. They are conditional approvals as they still have some things to work through. The revised site plan was presented on screen showing the changes that O.D.O.T. requested. (Plan is attached.) This will be paid for through a T.I.F. that has been discussed as part of the Development Agreement and the details of that will be a next step for the Trustees, Mr. Konstand and the developer.

- II. Mr. Chairman adjourned the meeting.

Next meeting will be a Work Session, on Thursday, May 9, 2023 at 6:00 P.M.

https://www.bathtownship.org/government/departments_and_divisions/zoning_department/index.php Then click on “Comprehensive Plan Committee”.