

ZONING COMMISSION
April 14, 2022 - 6:00 p.m.
Work Session

Approved: 5/17/2022

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

Members present: Chairman Richard Bradner, Vice Chair Maryellen Burnham, Emily Hete, Jeremy Rowan, Scott Meyer, Planning Director/Zoning Inspector Bill Funk, Zoning Assistant Nanci Noonan and Legal Counsel Bob Konstand. Joy Kosiewicz and Jim Hower were excused. Residents present: JoAnne Alexander.

- A. Pledge of Allegiance
- B. Approval of March 10, 2022 minutes: Motion to approve by Mrs. Burnham; seconded by Mr. Rowan. All in favor, motion approved.
- C. Zoning Report for March was presented by Mr. Funk.
- D. New Business: Continued discussion on proposed revisions/additions to regulations.
 - 1. **Accessory Dwelling Units Definition.** ZC approved “that are related”: Detached living quarters located on a lot with an existing principal dwelling where the accessory dwelling unit is designed for the use of persons that are related, employed on the premises, or for the temporary use of guests of the occupants of the principal dwelling. Such guesthouse or accessory dwellings are not rented, leased, or otherwise transferred to an individual or organization as a separate dwelling. Mr. Funk shared that Mr. Konstand was good with this revision but brought up another issue that we have been having with accessory dwelling units. Currently one of the conditions required for these units under, Section 701 – D(2)(A), is that all structures and activity areas shall be set back a minimum of hundred feet from all lot lines and street right of ways. Therefore, any time we have an application for these a variance has been required for the setbacks.

Discussion was held on what to change the minimums setback to. Proposed language: **“The structure shall meet the minimum front yard setback and shall be set back a minimum of 50 feet from all other lot lines.”** The current front yard setback is 60 feet and 50 feet from the other lot lines is more realistic. Mr. Meyer suggested that it be stated in our permitted use table that ADU’s are only permitted in side or rear yards. Discussion was also had about stating, upfront, that deed restrictions will be necessary. Mr. Funk stated that the deed restrictions are function of approvals by the Board of Zoning Appeals but he will run it by Mr. Konstand. (Deed restrictions Reference: Article 2, Section 206-C(3). Mr. Funk will work with Mr. Konstand and note these items and speak on them again to confirm language.

3. **Commercial Accessory Structure Discussion.** Appropriate Commercial Accessory square footage discussed last month resulted in approving the following language: Proposed Commercial Accessory Size: “Article 7, Section 11)(F) * current F & G become G & H. The total building footprint area of all accessory buildings and structures on a lot in the B– 1, 2, B – 3, 4 and 5 shall not exceed 144 square feet.” The Commission was in

favor of this language. This size allows for the basic shed size for maintenance equipment for the property. If there is a need for something bigger a variance could always be sought.

4. Flag Lots Proposed. After discussion, it was agreed by the Commission to add the following: (H) Flag Lots – ii) The “flag pole” portion of the lot shall have a minimum lot width at the street right-of-way as required in Table 504-1: Site Development Standards for Residential Zoning Districts and Table 504-2: Site Development standards for Business and Mixed-Use Zoning Districts. At no point shall the “flagpole” be less than 25 feet in width.

5. Riparian regulations in line with Summit County Soil and Water, Summit County Engineers and Summit County Health. Mr. Funk informed that he was hoping to have a handout for this evening but he was unable to get something from Stephanie Deibel. He continues to work with Summit County Soil Water. We should have something by the next time we meet.

6. Pond requirements from Summit County Soil and Water, Summit County Engineers and Summit County Health. Mr. Funk informed the same thing goes for this one as he is continually working with them as to how to clarify our regulations.

7. Parking of RVs Discussion - handout. Discussion was had on how to approach this. Mr. Funk did share we haven’t actually had an issue with this but people do call asking about parking their RVs. He would like to clarify the zoning resolution as to what our regulations would be when it comes to parking personal RVs on a residential lot. Comments for language included that the vehicle must be an owner or tenant owned vehicle, set time limits for visitors, limit the size and height, screening from neighbors, location and visibility from the street. Mr. Rowan shared that in many communities, if you can see them from the right of way they are in violation. They are not allowed in the front yard. If they are allowed in the driveway, it is up to 48 hours twice a month. Mr. Meyer questioned about giving exemption to parking of rowboats, canoes, and kayaks. Any commercial vehicles should not be allowed in residential districts and should be stored indoors in business districts.

It was determined we need to get a definition of an RV, as defined by the ORC 4501-01. Mr. Funk will work on some regulation language and present at our next meeting.

8. Roof Overhang/Eaves - discussion ensued on unsupported roof overhang setbacks’ square footage. We currently look at an accessory structure with a lean-to with posts and count it all as square footage for the structure. We’ve run into a couple of really large roof overhangs or eaves that don’t need to be supported. (i.e., six feet) Mr. Funk wanted input on what a typical overhang size should be allowed. That is what needs clarified; is that considered square footage or is it just a large eave? On the lean-to it tends to be a place to store things and then sometimes walls go up on. Mr. Rowan suggested changing the language to say any overhang supported by posts, or unsupported counts in the total square footage. Size wise it should be possibly whatever the standard size is. Mr. Funk to look into some recommended measurements, supported vs. unsupported.

9. Required Number of Parking Spaces – change to maximum (not minimum) parking spaces. Mr. Funk shared that in Copley’s code the requirement is basically the maximum spaces. For example, on an office building you’re required to have a set number of spaces, per square footage, and that is your max. (Mr. Funk referred to the handout from Copley

Township Zoning code.) He presented that if you are above that max, you would need a variance and have to provide reasoning as to why you need extra parking. Recently, Faith Family Church, at Granger and Crystal Lake, met our requirements but wanted to go way above and asphalt as much as possible for parking. Mr. Funk stated it would be nice to have parking spelled out.

Mr. Rowan shared that his community is rewriting their parking and did maximums. In addition, if you wanted to go under the maximum, you are allowed 15% granted administratively; and anything above that, up to 50%, goes to Planning Commission. Mr. Rowan shared that they are also playing with the idea of adding electric vehicle spaces and deciding how to acquire them, or to at least know where they would go on a site plan and make a land bank. The goal here being to encourage less parking. The Commission was comfortable changing it just to “maximum” for now and asked Mr. Rowan if he could forward the new language he is working on and we will tweak this section. (Article 12: Section 1204, Table 1204-01)

10. Commercial Fireworks – Per Mr. Konstand, the Township cannot prohibit the sale of fireworks legally. He believed what Copley is trying to do is to bootstrap a moratorium. Mr. Konstand shared that the old Laser Quest and Montrose has been bought by Phantom Fireworks sales store. That use could not be denied. So, they now have proposed a zoning moratorium, where they’re not going to permit anymore stores for an indefinite period of time; Mr. Konstand is trying to find out from the Copley Law Director what his thinking is. This has been discussed informally within the Township, but the problem is this is like a sexually oriented business, and we can’t outlaw it because it is a legal business. The question is, 1) to find out what and how long the moratorium will be in Copley and 2), if we do have to include it, what areas of the Township would we designate for it. Mr. Konstand shared that we have to contrast this with the dispensaries, because we had the right pursuant to the specific Ohio Revised Code statute to say yes or no; and we said no. We do not have that right for fireworks, because fireworks sales are a legal business in Ohio under certain conditions. Mr. Konstand shared that legislation is being questioned and needs clarification on this point. Mr. Konstand will try to have more on this for our next meeting and we will figure out the appropriate legal course to take.

11. Sign Regulations Review – Mr. Funk recommended having Wendy Moeller review our signage to see if there are any new regulations she would recommend, i.e., temporary sign limitations. Mr. Konstand stated that we keep running into temporary signs; they are popping up over the weekends and we need to tie up the regulations. It was suggested that we could limit code restrictions to just the square footage, not the type of sign. Mr. Funk felt it would be worth Wendy looking at this code section and giving us some recommendations.

The above revisions and additions will be submitted to Bob Konstand for review prior to public hearing, unless otherwise approved by the Commission.

- E. Miscellaneous: Mr. Funk presented that Mr. Rowan and Mrs. Kosiewicz terms are expiring July 1, 2022. Mr. Rowan accepted another term and Mr. Funk will contact Mrs. Kosiewicz to ascertain her intentions.

Mr. Chairman presented that Dr. Pristas will be back before the Zoning Commission on May 12, 2022 for a public information meeting to untable the case and to present new information. No public comment will be taken on this date. The Commission will table the

case again and set the public hearing. The public hearing will be held on June 9th, where Mr. Funk will present the application overview, in person public comment will be taken and Dr. Pristas will be available for questions. We will take written, public comment up until June 20th at 4:00 PM and then resume the public hearing to take a vote at a to be determined date. Proposed dates were 6/23, 6/30 or possibly 7/14. Mr. Funk informed that this case number is ZC-21-01, but for the sake of this being a new year we have revised it to **ZC-22-01**. All files, submissions, correspondence, etc. will be contained in this case file.

II. Mr. Chairman adjourned the meeting. Next Work Session will be announced as a public meeting is scheduled for next month. The public hearing date to take a vote will be announced as soon as we have attendance/quorum secured for one date or the other.