

**SAGAMORE HILLS TOWNSHIP
ZONING COMMISSION – REGULAR MEETING**

Monday, March 27, 2023 – media notified

The meeting was called to order by Dr. Koncal at 7:00 p.m.

R/C: Dr. Woodruff-present; Chasar-present; Lachina-present; Dr. Koncal-present; Witkiewicz-present.

Dr. Woodruff made a motion to approve the minutes from the February 27, 2023 Regular Meeting. Seconded by Mr. Lachina. R/C Vote: all in favor

The first topic discussed was the potential revision of residential accessory building square footage. This was discussed at the Zoning Commission's January meeting when Dr. Woodruff was not in attendance.

Dr. Koncal and Mr. Chasar had attended the November 2022 trustee meeting where the trustees said they had received calls from residents regarding increasing the square footage of accessory structures, specifically residents that have a little over one or one and a half acre lots. The trustees made a request that the zoning commission look at this in 2023.

Dr. Koncal said in January the zoning commission discussed it and the general feeling was the board did not want to increase the size of accessory buildings on one or one and a half acre lots. Dr. Woodruff was not in attendance at the January meeting and the board did not have time to discuss it at the February meeting. The decision was postponed until tonight's meeting so that Dr. Woodruff had a chance to weigh in on the subject.

Dr. Woodruff said he agreed with the board that on one or one and a half acre lots our current standard is good. Dr. Koncal stated he will report to the trustees that this decision was unanimous.

Parkview Senior Living was not on the agenda, but Dr. Koncal said that he and Dwight had the opportunity to tour the Pride One senior facility in Hinkley. The construction foreman took them on a tour and answered all of their questions. Dr. Koncal measured the doorways (36"), there was blocking in the bathrooms for handrails and there was wheel chair accessibility. Dr. Koncal was more comfortable with what he saw after this visit than before the visit.

Dr. Koncal and Dwight also went to another Pride One facility where the rent was lower, but the quality not as good (smaller units and in sections of eight), but there were 36" doorways, blocking in the bathrooms and wheel chair accessibility. Dr. Koncal said he is comfortable that these ADA improvements will be done, but the board would still like detailed plans to have on file at the township to assure the residents that this is a 55 years and older development. Mr. Snell replied those plans will come to the zoning inspector to get a zoning permit before they go forward.

Mr. Fantozzi approved the demolition permit for the old buildings on the Parkview property. Mr. Snell said the contractor has all of the permits to take down the old buildings. The bond for Carter Road has been received and will be effective throughout the entire project. Mr. Snell said it will take about 7-10 days to take down the old buildings.

Dr. Woodruff said he drove through two of the other Pride One sites. One on Akron Peninsula Road in the Cuyahoga Falls Akron area. Dr. Woodruff did not care for the outside aesthetics. The site by Wyoga Lake was nicer. There was a brief discussion.

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Dr. Koncal asked Mr. Snell to give an update on what is going on in Columbus with the short-term rentals. Mr. Snell replied nothing has been introduced on short-term rentals. Mr. Snell found a couple of articles. Fairport Harbor is moving forward with regulation of short-term rentals because it is not clear whether or when Ohio legislature will approve short-term rentals so they decided to be proactive and address the subject. Two communities in Butler County regulated short-term rentals. Akron went forward with short-term rentals with certain conditions. Most of these short term rentals are trying to structure around collecting a tax. Mr. Snell said at the moment Sagamore Hills is not in violation to prohibit short-term rentals. Mr. Snell suggested we put this issue on the back burner until we hear something is happening.

There was a brief discussion.

Dr. Koncal asked Mr. Fantozzi for an update on the huge fireplace that has been constructed at an Eaton Estate's residence. Mr. Fantozzi has an application and is waiting on Eaton Estates Homeowners Association approval. The resident also has an application for a gazebo.

The next topic discussed was solar panel regulations.

Mr. Fantozzi has a friend that sells solar panels. He will be at the next zoning commission meeting to answer any questions anyone may have.

Mr. Snell provided the board with Brecksville and Bay Village solar panel location and use regulations. Mr. Snell also assimilated a two-page handout on solar energy systems, which included a definition of solar energy systems, application standards, roof-top installation requirements (commercial or residential districts) and ground installation requirements (residential districts). Mr. Snell reviewed the handouts. Mr. Snell said you can only have one type of solar panel, either on the roof or the ground. You cannot have both. There was a brief discussion. Solar panels would probably go under Supplemental Regulations in our zoning book. Dr. Koncal thanked Mr. Snell for all of the information that he provided. This will be the first topic on the agenda for the April meeting.

The next topic discussed was steel containers used as accessory buildings.

Mr. Fantozzi said last fall he spotted a steel storage unit on Nesbitt. Mr. Fantozzi spoke with the resident and told him if he was going to use it as an accessory building, he would need a permit. The storage unit dimensions were within the square footage allowed for this lot so Mr. Fantozzi allowed it with the condition that the resident paint it so as to be more attractive. The resident agreed to paint it in the spring.

Mr. Fantozzi looked into this a little further and called the county. The county said any building put on any property has to follow the residential building code. The county said in order to put a steel container on your property you need to have a structural analysis of that container to make sure it can handle the load for the sizes that they are. A site plan is also required by the county because of the weight of the steel structure to make sure that it is not crossing any sanitary lines, electrical lines and sanitary sewers. Mr. Fantozzi believes the cost of this structural analysis may prevent people from putting these steel units on their property.

There are some people in the country that are using these for homes, taking two or three of them, welding and stacking them together. Mr. Fantozzi said the smaller pods that people put in their yards to store things while they are renovating their homes are quite a bit smaller but are still steel. If they are under 200 sq. ft. they don't have to go to the county for a structural analysis.

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The question is do we want to address this issue or not address the issue of steel containers being used as accessory buildings, or use the county's guidelines and say if you want to use this steel storage unit as an accessory building you have to go to the county, have a structural analysis done and have the county approve it. If a resident goes through this process and proves the unit has structural integrity, then these units will start appearing in the township.

Dr. Koncal suggested asking the trustees for a moratorium on the steel containers to give the zoning commission time to think about how to handle this issue.

Mr. Snell confirmed with Mr. Fantozzi that any accessory building under 200 sq. ft. does not go to the county building department for approval.

Mr. Snell said that if the zoning commission wanted to prohibit these steel storage containers (which have also been called cargo containers, truck trailers, etc.) they would go under Section 7.0 Supplementary Regulations, uses not permitted in any district.

Mr. Snell said the county has building standards which would probably prohibit the stacking of these steel storage containers to build a house without some substantial work. The main concern is if the steel storage container is under 200 sq. ft. it would not require the county's structural review standard.

Mr. Snell said the board can ask the trustees for a moratorium on these steel containers. The trustees have a meeting scheduled for tomorrow, March 28, 2023 and can add this on to the agenda.

Dr. Koncal asked Mr. Snell to convey to the trustees at tomorrow's meeting the zoning commission's unanimous opinion not to increase the square footage of accessory buildings on one and one and a half acre lots.

Mike Rosa, 451 Pugwash Circle, asked for clarification of sheds in Eaton Estates. Mr. Rosa would like to have a shed, but his understanding is that the Eaton Estates Board said sheds were approved, but Sagamore Hills Township turned it down. Mr. Rosa would like to know why he cannot have a shed. Mr. Rosa said there are residents in Eaton Estates that would like to have a shed.

Mr. Snell replied there are two PUD's in Sagamore Hills; Greenwood Village and Eaton Estates.

It came from the Eaton Estates Board to allow sheds, but the people that conveyed the message that it had passed in the community also said they did not actually support garages/accessory buildings in their rear yard. The township went through a process of looking at this. Greenwood Village does not want accessory buildings in their backyards.

Mr. Snell told Mr. Rosa he is welcome to add onto his garage. This is a permitted way to add space to his house. He would have to go through an architectural review with Eaton Estates. Mr. Rosa said the way his house is built adding to his garage would not be possible because he would be too close to his neighbor. Mr. Snell said the township allows open air non storage structures such as gazebos.

Mr. Rosa asked Mr. Fantozzi whether he would come to their home and give them some suggestions on what they are allowed to do. Mr. Fantozzi replied yes.

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Mr. Snell said there were a whole series of meetings the zoning commission had with Greenwood Village and Eaton Estates Board about whether there should or should not be sheds. When the zoning commission was reviewing allowing sheds in the back yard, we had Eaton residents say we don't want these sheds allowed because we don't know where the shed of our neighbor would be located. The board reopened this to look at it again. The board ultimately decided not to approve sheds in a PUD. Greenwood was definitely against sheds. Mr. Snell gave a brief history about sheds in Eaton Estates

The Eaton Estates board has periodically looked at this issue. As a board they did not support it, but supported putting it on a ballot issue. It was approved. The board took a strict view and said you could only build a shed in a single-family lot with a single-family house, not a cluster home or where you own the land but don't own all of the other land. The regulation the zoning commission was looking at was putting the shed directly behind your house without any site view from the street. The zoning commission was getting ready to send this recommendation to the trustees, but found out that very few people in Eaton Estates participated in the election where it was passed. At the meeting the zoning commission was getting ready to send their recommendation to the trustees, there was a big push back from the remaining Eaton residents that did not want sheds.

Mr. Rosa asked Dr. Koncal if Mr. Rosa took a survey of the Eaton residents and there was 75% of the residents that wanted sheds what would happen then.

Dr. Koncal said they would reopen it. If Mr. Rosa could bring some data to the board that people have changed their opinion about sheds and if Eaton Estates board is okay with it, it would certainly be something worth reopening.

Mr. Rosa said he put raised garden beds on the side of his house and bought a portable green house and asked whether that was allowed. Mr. Fantozzi replied temporary structures are not allowed.

Mr. Klimkewicz, 1221 Nesbitt, stated that Elmcroft has been sold and he knows that it is zoned for nursing homes. Mr. Klimkewicz asked whether the Elmcroft property was zoned commercial. Dr. Koncal replied yes. Mr. Klimkewicz is concerned the purchaser may have just bought it for the land and will tear down the nursing home and build something else.

Mr. Snell said it is zoned commercial, but they were allowed to apply for assisted living in order to use that as a use. It is presently zoned for assisted living. It went up for an online auction at the beginning of March and it was sold. The township was not a participant in the on-line auction. The buyer is a group of investors who have been asking questions. The township does not know them. They have not come to the township for any approvals or changes.

Mr. Snell said the people that sold the property were asking a lot of zoning questions. Mr. Snell registered for the sale so he could receive what the people were receiving regarding zoning. They received copies of our zoning resolution. There were a number of people that questioned our zoning, but were referred to the resolution. The next issue is to figure out what the buyer wants to do with the property.

Dr. Koncal said there are three items covered in our resolution; commercial activities that are allowed, commercial activities that are conditionally allowed (the Board of Zoning Appeals has the ability to set conditions for the operation of these businesses) and everything else that is not allowed. If it is not in the book, it is not allowed.

Mr. Klimkewicz asked what the zoning limitation was for the 192 acres that the township owns. The township has eight million dollars and it would be nice to have the township put in some trails.

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Mr. Snell replied this property was purchased under the section of the revised code that states it will be preserved in its condition. It needs to be kept as greenspace. It cannot have permanent structures on it. The township is currently working on a grant on this property with The Nature Conservancy. The Nature Conservancy is reforesting a portion of that property along with a portion that is part of the National Park. There has been some discussion with the Metroparks of Cleveland, Summit Metroparks and the National Park about constructing a trail from Sagamore Road all the way down by the farmers bridge on Valley View that would cross over from the hospital and parallel Canal Road. You would then go up through the existing roadway that is there all the way up to the bike and hike. Mr. Snell said we are also working on another grant to open pipes that are there to daylight the creeks.

There was additional discussion about the driveway by Chaffee that the hospital has been maintaining because of the source of their electricity and working with Ohio Edison to change their electric to Sagamore Road. Mr. Snell said he has spoken to the Metroparks and would like to get a trailhead at Valley View Road with maybe some bathrooms. The question is, would the trailhead be a permanent structure. This would be decided by the probate judge.

To address Mr. Klimkewicz's comment that the township has eight million dollars, Mr. Snell said the township has not been generally willing to spend it on those kind of projects, but save the money to be sure to have enough to run the road department, police department and increase those dollars by matching grants for road projects.

Ms. Denise Kelly, Nesbitt Road, said when you attend a trustee's meeting they stand for the pledge of allegiance. Ms. Kelly asked why it is not done at a zoning meeting. Dr. Koncal replied it has never been done. Ms. Kelly asked whether the board would consider reciting the pledge of allegiance. Dr. Woodruff replied he was not opposed. Dr. Koncal replied he was not opposed. Dr. Koncal suggested we put it on the agenda for next month. Dr. Woodruff replied the board could close with the pledge of allegiance at tonight's meeting.

Ms. Denise Kelly, Nesbitt Road, referred to an article in the Sagamore Voice on Parkview Senior Living, the last paragraph "while the township can't enforce the development as senior living, Koncal said, "if the requirements are met, it justifies to residents that we're trying to make it a senior community, not just apartments." Ms. Kelly understood it was to be 55 and older but, "sounds almost kind of iffy now."

Dr. Koncal replied you cannot have something that is strictly seniors. That is discrimination and federally prohibited. The board is trying to make certain the majority of the people living there need assistant living type of accommodations, such as wider doors and no thresholds. ADA requirements do not apply to residential developments. The Parkview developer will put in these ADA requirements for us.

Mr. Snell replied the fair housing act allows you to discriminate on age where at least 80% of the units must be a 55 and older person. Mr. Snell addressed Ms. Kelly's statement that it sounds iffy. Mr. Snell said there is nothing iffy. The federal rule says 80% of the units must be occupied by someone 55 or older. There could be other people that live in that unit. We have a restricted covenant that names the township as an additional beneficiary of that rule.

Mr. Snell said he does not control what the Sagamore Voice writes. It is not what they write in the paragraph, it is what the rule is. The rule is 55 and older, 80% of the units. The developer has said they plan to make that even higher. Federal law only allows them to say it must be 80%. Mr. Snell gave the example if you are married to someone that is 55 years or older and you are living there, your spouse passes away and you are only 45 years of age, the owner can allow you to stay there.

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Dr. Woodruff made a motion to adjourn at 8:23 p.m. with the conclusion being the pledge of allegiance. Seconded by Dr. Koncal. R/C: all in favor