

Minutes of Zoning Commission

October 30, 2018

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Mr. John Lateulere, Chairman at 7:02 P.M. Members present were: Ms. Marlene Walkush; Mr. Andrew White and Mr. Dennis Williams. Mr. Brent Classen; Mr. Chuck Giallanza, Alternate and Mr. Howard Miller, Alternate were absent. Ms. Karen Endres, Zoning Inspector was present.

PLEDGE OF ALLEGIANCE

The Zoning Commission recited the Pledge of Allegiance.

PROPOSED ZONING AMENDMENT Z-2018-1

The Zoning Commission held a work session on proposed Zoning Amendment Z-2018-1 after reviewing the recommendation of the Geauga County Planning Commission and was in agreement to modify the proposed definition of "Lot Width" from ***"LOT WIDTH" means the distance between side lot lines measured along a straight line parallel to the front property line or parallel to the center of the chord if on a curve. On a flag lot, lot width shall be measured at the closest point to the road right-of-way where a building can be situated while complying with all required setbacks*** to ***"LOT WIDTH" means the distance between side and lot lines measured along a straight line parallel to the front lot line and measured at the front location of the principal building or parallel to the center of the chord if on a curve. On a flag lot, lot width shall be measured at the closest point to the road right-of-way where a building can be situated while complying with all other required setbacks.***

The Zoning Commission also reviewed the proposed amendment regarding Section 117.11 – Notice and Conduct of Public Hearing and was in agreement with the recommendation of the Geauga County Planning Commission to use the word "ordinary" mail instead of "First Class" mail.

Mr. White made a motion to recess the regular meeting.

Ms. Walkush seconded the motion that passed unanimously

The regular meeting was recessed at 8:26 P.M.

PUBLIC HEARING

Proposed Zoning Amendment Z-2018-1

Mr. Lateulere, Chairman called the public hearing to order at 8:26 P.M. Members present were Ms. Marlene Walkush, Mr. Andrew White and Mr. Dennis Williams. Mr. Brent Classen; Mr. Chuck Giallanza, Alternate and Mr. Howard Miller, Alternate were absent. Ms. Karen Endres, Zoning Inspector was present.

Proposed amendment Z-2018-1 is a motion by the Zoning Commission for the purpose of implementing minor changes to Chapter 105 – Definitions; Chapter 109 – Zoning Inspector; Certificates and Enforcement; Chapter 117 – Board of Zoning Appeals; Chapter 121 – Amendments; Chapter 131 – Districts Classified and Purpose; Zoning Map; Chapter 135 – R-5A Rural Open Residential District; Chapter 143 – CB Convenience Business District; Chapter 173 – Signs; Chapter 186 – Wireless Telecommunications Towers and Facilities and Chapter 190 – Mixed Use Planned Unit Development District.

Mr. Lateulere noted for the record that the legal advertisement for the public hearing had been duly advertised in the News Herald on October 19, 2018.

Mr. Lateulere read into the record the recommendation of the Geauga County Planning Commission in a letter dated October 11, 2018 in which the planning commission recommended approval of Z-2018-1 with the following comments.

“Please be advised that the Geauga County Planning Commission, at its meeting held on October 11, 2018, voted to recommend approval of proposed Bainbridge Township Zoning Amendment Z-2018-1 initiated by the Zoning Commission on September 25, 2018 subject to the following modifications.

- Section 105.02, define “Lot Width” as follows: means the straight line horizontal distance between the side lot lines of a lot measured at the front setback line.
- Section 117.11 (a) and (b): “Ordinary” mail may be used since it infers first class unless otherwise specified in the ORC.

Pursuant to R.C. Section 519.12, the recommendation of the County Planning Commission must be considered at the public hearing on the amendment held by the Zoning Commission. Subsequent to the hearing, the recommendation shall be forwarded to the Board of Township Trustees.

If the subject amendment is ultimately adopted by the Board of Township Trustees, a copy thereof shall be filed with the Geauga County Planning Commission within five (5) days after its effective date.

If you have any questions, please advise.

Sincerely,

David C. Dietrich, AICP
Planning Director”

Mr. Lateulere stated that this is the Geauga County Planning Commission’s recommendation as noted throughout our resolution and the ORC, the planning commission is a recommending authority and their recommendation is for our consideration, the action that this board takes is a recommendation to the township trustees so the Zoning Commission can either choose to go with what they have or it can choose to work through what we have proposed or make modifications as necessary in this public hearing. He said the Zoning Commission can focus on the two items that they called out, Section 105.02 and Section 117.11 and will take them in that order. He said Section 105.02 redefines the term “Lot Width” and the definition that was provided by Mr. Dietrich and the planning commission appears to be the previous definition that was in our resolution prior to its modification in 2016. He said as reading through that, a strict definition of that would appear to require the lot width be measured at the minimum front setback line. He asked for comments from the Zoning Commission.

Ms. Walkush stated that in light of Mr. Dietrich’s recommendation in his letter of October 11, 2018 she thinks that we should change a few words and add a few phrases for clarification so in our discussion, prior to the public hearing, we have come up with a definition of “Lot Width” to wit: *“LOT WIDTH” means the distance between side and lot lines measured along a straight line parallel to the front lot line and measured at the front location of the principal building or parallel to the center of the chord if on a curve. On a flag lot, lot width shall be measured at the closest point to the road right-of-way where a building can be situated while complying with all other required setbacks.*

Mr. Lateulere stated that this would allow the Lot Width to be measured at the location where the principal building is actually constructed, even if that is not at the front setback line.

Ms. Walkush said that is correct.

Mr. Lateulere asked if there are any more comments on that modification.

There were none.

Mr. Lateulere said seeing none, the Zoning Commission will move on to the planning commission’s comment on Section 117.11 (a) and (b).

Mr. White referred to recommendation on Section 117.11 (a) and (b), “Ordinary” mail may be used since it infers first class unless otherwise specified in the ORC. He stated that he is recommending that the zoning commission use Mr. Dietrich’s recommendation to use “Ordinary” mail instead of “First Class” and keep that as what we are going to do moving forward.

Mr. Lateulere stated that it would appear as though Section 117.11 (a) would change from “Certified” to “Ordinary” and Section 117.11 (b) would no longer be modified and remain “Ordinary” mail as indicated in the current zoning resolution.

Mr. White said correct.

Mr. Lateulere solicited comments for the proposed amendment: None.

Mr. Lateulere solicited comments against the proposed amendment: None.

Mr. Lateulere said seeing none he would take a motion to close the public hearing.

Mr. White moved to close the public hearing.

Ms. Walkush seconded the motion.

Vote: Mr. Lateulere, aye; Ms. Walkush, aye; Mr. White, aye; Mr. Williams, aye.

The public hearing was closed and the regular meeting was reconvened at 8:34 P.M.

Proposed Zoning Amendment Z-2018-1

Recommendation

Ms. Walkush moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommend the approval of the proposed amendment with modifications to the Bainbridge Township Zoning Resolution attached hereto: Z-2018-1.

Mr. Williams seconded the motion.

Vote: Mr. Lateulere, aye; Ms. Walkush, aye; Mr. White, aye; Mr. Williams, aye.

This amendment will be submitted to the Bainbridge Township Board of Trustees for its action.

(Audio Recording on File)

MINUTES

Ms. Walkush moved to adopt the minutes of the September 25, 2018 meeting as written.

Mr. Williams seconded the motion.

Vote: Mr. Lateulere, aye; Ms. Walkush, aye; Mr. White; Mr. Williams, aye.

OLD BUSINESS

Signage

The Zoning Commission reviewed the proposed sandwich board regulations language that Mr. White provided. Also discussed was the appropriate weight of the sandwich board signs. Mr. White will research the acceptable weight of A-frame signs. The cycle times on electronic digital changeable copy signs was discussed for safety purposes. The Bainbridge Police and Fire Departments will be consulted on how fast or slow the cycle times should be so as not to become a distraction to drivers.

CORRESPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes, dated September 10, 2018, September 15, 2018 and September 24, 2018.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes, dated August 16, 2018 and September 20, 2018.

Since there was no further business to come before this meeting of the Bainbridge Township Zoning Commission, Mr. White made a motion to adjourn.

Mr. Williams seconded the motion that passed unanimously. The meeting was adjourned at 9:34 P.M.

Respectfully submitted,

Linda L. Zimmerman
Zoning Commission Secretary

John Lateulere, Chairman

Date Approved: January 29, 2019