

## Minutes of Zoning Commission

April 27, 2006

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Ms. Lorrie Sass, Chairman, at 7:32 P.M. Members present were: Ms. Chris Fine, Mr. Raymond Richards and Mr. David Weiss. Mr. Donald Sheehy was absent.

### MINUTES

Ms. Fine made a motion to approve the minutes of the March 30, 2006 meeting as written.

Mr. Weiss seconded the motion that passed unanimously.

### NEW BUSINESS

#### Proposed 208 Plan Committee

Ms. Sass reported that the township trustees are forming a committee to review the Bainbridge Township 208 Plan. The zoning commission members were in agreement for Mr. Sheehy to represent the zoning commission on the committee.

#### Farm Markets

The zoning commission discussed regulations for farm markets. Ms. Sass will contact Mr. Eric Drake, Geauga County Assistant Prosecutor regarding the regulations.

### OLD BUSINESS

#### Proposed Zoning Amendment Z-2006-3

Ms. Fine made a motion to adopt the following motion:

That an amendment to the Bainbridge Township Zoning Resolution of one page, marked Exhibit A attached hereto and incorporated herein, be hereby initiated by the Bainbridge Township Zoning Commission on this 27th day of April, 2006.

Mr. Richards seconded the motion.

Vote: Ms. Fine, aye; Mr. Richards, aye; Ms. Sass, aye; Mr. Weiss, aye.

The proposed amendment proposes to amend the following:

Chapter 117 – Board of Zoning Appeals (Chapter 117.01 – Members Appointment or Removal) – for the appointment of alternate members.

The zoning commission enumerated this amendment as Z-2006-3 and set the public hearing for May 25, 2006 at 7:40 P.M. at the Bainbridge Town Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and requested that the Bainbridge Township Board of Trustees issue a purchase order for the necessary legal advertising.

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

Ms. Fine seconded the motion that passed unanimously.

The regular meeting was recessed at 7:47 P.M.

### PUBLIC HEARING

#### Proposed Zoning Amendment Z-2006-1

Ms. Sass called the public hearing to order at 7:47 P.M. Members present were Ms. Chris Fine, Mr. Raymond Richards and Mr. David Weiss. Mr. Donald Sheehy was absent.

Proposed amendment Z-2006-1 is a motion by the zoning commission to amend the following:

Chapter 165.10 (b) (2) - Side Yard Setbacks for Accessory Buildings and Chapter 165.10 (b) (3) - Maximum Floor Area and Maximum Height for Accessory Buildings

Ms. Sass noted that the legal advertisement for the public hearing had been duly advertised in the News Herald on April 17, 2006.

Ms. Sass then read into the record the recommendation of the Geauga County Planning Commission in a letter dated April 12, 2006 in which the planning commission recommended approval of Z-2006-1 with comments listed.

Ms. Sass referred to the letter from the planning commission that suggested a minor clarification to change maximum "size" in the proposed text to maximum "floor area" in accord with the heading.

The zoning commission discussed the word "size" versus floor area and was in agreement to keep the word "size" in the amendment, the way it is written.

Ms. Sass explained the proposed amendment that will allow accessory buildings, on pre-existing lots of record, to be built at the existing setback line created by the dwelling but the side yard setback cannot be less than 20 feet and the building can be no larger than 300 square feet with a maximum height of 15'.

Ms. Luann Capone of Lake Lucerne asked why an existing parcel is considered unlawful.

Ms. Sass said a pre-existing lot is not unlawful.

Ms. Capone said the original wording is a 90' setback from the rear and a 50' setback from the side so she will have to apply for a variance. She said she wants to build a 10' x 12' storage building 10' off of the side property line and 20' off of the back.

Ms. Sass asked Ms. Capone how far her house sits from the property line.

Ms. Capone said it is 15' on one side and 10' on the other.

Ms. Sass said if this proposed amendment is adopted, in no case can the building be less than 20' from the side property line.

Ms. Capone said she would like to be 10' from the property line with her shed and that would be adequate.

Ms. Sass told Ms. Capone that she will have to go to the board of zoning appeals because the new proposal is that accessory buildings have to be 20' off of the property line so she would have to seek an area variance from the board of zoning appeals.

Ms. Capone said the whole thing seems ridiculous that she will have to pay extra for a variance.

Ms. Sass told Ms. Capone that she is entitled to seek relief through the board of zoning appeals.

Ms. Capone said that is discriminating against small property owners.

Ms. Sass said that is why the board of zoning appeals is in place.

Ms. Capone asked how this adds any value to living in Bainbridge and she owns her property and it is in her best interest to take care of it and asked why government has come up with a ruling that is so arbitrary and asked how this adds to the value of her property. She added that she pays a lot of taxes and has to go through hoops.

Ms. Sass told Ms. Capone that it is wonderful that she wants to do the right thing but there are always people who do not care and the reason for zoning is health, safety and welfare and added that Geauga County has only one township that does not have zoning and that is Middlefield Township.

Ms. Capone said she lived in Chester Township and asked what the consequences will be if she does not get a zoning certificate.

Ms. Sass said that a citation will be issued by the zoning inspector and she would risk the removal of the structure and the courts can make a person remove a structure.

Ms. Capone said she would not do that but this is much ado about nothing and asked how long this process will take.

Ms. Sass explained the amendment process and trustees' hearing and said the amendment will go into effect 30 days after the trustees approve it.

Ms. Capone said the new ruling states that it will have to be 20' away from the property line.

Ms. Sass said the rear yard setback is not going to be changed.

Ms. Capone said 90' would place the building in the middle of her driveway and asked if the ruling cannot be changed to allow a smaller rear yard setback.

Ms. Fine explained that every small property is a different size and that is why the board of zoning appeals is in place, to deal with the special properties.

Ms. Capone said she has 1/3 acre.

Ms. Fine said that every 1/3 acre could be different and the zoning commission cannot write a special deal for every small lot and that is why the variance process is in place.

Ms. Capone said it is ridiculous with all the taxes that we pay to have to pay for a variance for smaller properties and they should be treated differently.

Ms. Sass said this situation came to the zoning commission's attention because so many variances went to the board of zoning appeals.

Ms. Capone said there will still be a lot of variances if the rear yard setback is not changed and there has got to be some reasonable thing and added the architectural review board for Lake Lucerne approved it and it is doable for smaller properties.

The zoning commission reviewed the former zoning regulations for Lake Lucerne.

Ms. Sass asked Ms. Capone if she spoke with the zoning inspector.

Ms. Capone replied yes.

Mr. Weiss referred to the former zoning regulations for Lake Lucerne and said the rear yard setback was 30'.

Ms. Capone said she does not know if variances will be avoided on smaller lots and there must be some way to write it for smaller lots. She said Lake Lucerne has a lot more houses placed in the middle of the lots and with most of her neighbors 90' would not work at all.

Ms. Sass explained that when the zoning was adopted, there were rigorous hearings and three different layers of review, it was put to the vote of the people and done with land use planning.

Ms. Capone said it is not appropriate for small properties and if you don't change the rear yard setback for people with smaller properties, they will still need variances.

Ms. Sass said there is going to be a joint meeting with the zoning commission, board of zoning appeals and township trustees.

Ms. Capone asked who the other group is (board of zoning appeals).

Ms. Sass said they are a group of five residents appointed by the board of trustees.

Ms. Capone asked if she will have to be there at the meeting and added that her building would be in her neighbor's driveway without the variance.

Ms. Sass explained the board of zoning appeals process and practical difficulty test.

Ms. Capone said her property is only 50' wide and they are set up for failure on smaller properties. She added that 90' and 50' setbacks on smaller properties will have the same number of variances.

Ms. Sass told Ms. Capone to make sure the test criteria on the application is properly filled out.

Ms. Capone said it makes no sense.

Mr. Weiss said all of the neighbors will be notified.

Ms. Capone said there is a big ravine in the back.

Mr. Weiss said the process allows input from the neighbors.

Ms. Capone said it is redundant for them because they had to go to the ARB of Lake Lucerne and talk to the neighbors so the variance seems ridiculous. She said there should be some way for the zoning people to verify it, you have people hired, so let them verify it.

Ms. Sass said it is an issue for the board of zoning appeals.

Mr. Weiss explained that the process is that the state says the board of zoning appeals determines it, not the zoning inspector and all the rules are laid out by the state.

Ms. Capone said it is so ridiculous and you all know what she is talking about and there is no safety issue here and if we don't stop the craziness, it will go on and on. She said they don't have three acre lots and language should be written to make sense for both and to say she must be 90' from the rear, she will never have 90'.

Ms. Sass said that a group could initiate a zoning amendment.

Ms. Capone said she is done and told the zoning commission that she appreciated them hearing her.

Ms. Sass solicited comments for the amendment: None.

Ms. Sass solicited comments against the amendment: None.

Mr. Richards made a motion to close the public hearing at 8:29 P.M.

Ms. Fine seconded the motion that passed unanimously.

The regular meeting was reconvened at 8:29 P.M.

#### Proposed Zoning Amendment Z-2006-1

Mr. Richards made a motion to recommend approval of Proposed Zoning Amendment Z-2006-1 as written.

Mr. Weiss seconded the motion.

Vote: Ms. Fine, aye; Mr. Richards, aye; Ms. Sass, aye; Mr. Weiss, aye.

Ms. Fine made a motion to recess the regular meeting.

Mr. Weiss seconded the motion that passed unanimously.

The regular meeting was recessed at 8:31 P.M.

PUBLIC HEARING

Proposed Zoning Amendment Z-2006-2

Ms. Sass called the public hearing to order at 8:31 P.M. Members present were Ms. Chris Fine, Mr. Raymond Richards and Mr. David Weiss. Mr. Donald Sheehy was absent.

Proposed amendment Z-2006-2 is a motion by the zoning commission to amend the following:

Chapter 160.08 – Structures, Uses and Obstructions prohibited in Riparian Setbacks and Chapter 161.11 – Permitted Yard Obstructions.

Ms. Sass noted that the legal advertisement for the public hearing had been duly advertised in the News Herald on April 17, 2006.

Ms. Sass then read into the record the recommendation of the Geauga County Planning Commission in a letter dated April 12, 2006 in which the planning commission recommended approval of Z-2006-2 with comments listed.

Ms. Sass explained the proposed amendment regarding obstructions in Riparian Setbacks except for detention/retention basins and added that this amendment will give the zoning inspector more teeth.

Ms. Sass solicited comments for the amendment: None.

Ms. Sass solicited comments against the amendment: None.

Ms. Fine made a motion to close the public hearing at 8:35 P.M.

Mr. Richards seconded the motion that passed unanimously.

The regular meeting was reconvened at 8:35 P.M.

Proposed Zoning Amendment Z-2006-2

Ms. Fine made a motion to recommend approval of Proposed Zoning Amendment Z-2006-2 as written.

Mr. Richards seconded the motion.

Vote: Ms. Fine, aye; Mr. Richards, aye; Ms. Sass, aye; Mr. Weiss, aye.

CORRESPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes, dated March 20, 2006, March 27, 2006 and April 3, 2006.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes, dated March 28, 2006.
3. Memo from the Geauga County Planning Commission, dated April 4, 2006. RE: County Planning Commission Meeting.
4. Memo from the Chagrin River Watershed Partners, Inc., dated April 10, 2006. RE: Seminar on Implementing Riparian & Wetland Setbacks to be held May 17, 2006.
5. Invitation from Ohio State University Extension - Lake County. RE: Zoning Workshop to be held June 16, 2006.

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

Mr. Richards seconded the motion that passed unanimously. The meeting was adjourned at 8:56 P.M.

Respectfully submitted,

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Linda L. Zimmerman  
Zoning Secretary

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Lorrie Sass, Chairman

Date Approved: May 25, 2006