

Minutes of Zoning Commission

May 30, 2023

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Ms. Lorrie Sass Benza, Chair at 7:00 P.M. Members present were: Ms. Kristina Alaei; Ms. Stephanie Puzzo and Ms. Marlene Walkush. Mr. John Lateulere; Ms. Laura Weber, Alternate and Ms. Stacy Westervelt were absent. Mr. Dave Dietrich, Planning and Zoning Coordinator was present.

GUESTS

Dr.. Michael Bates, Bainbridge Township Board of Trustees Chair; Mr. Todd Lewis, Bainbridge Township Board of Zoning Appeals Vice Chair and Mr. Glenn Knific, Woods of Wembley Subdivision.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

MINUTES

Ms. Walkush moved to adopt the minutes of the April 25, 2023 meeting as written.

Ms. Puzzo seconded the motion.

Vote: Ms. Alaei, aye; Ms. Benza, aye; Ms. Puzzo, aye; Ms. Walkush, aye.

OLD BUSINESS

Proposed Zoning Amendment Z-2023-1

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

Ms. Walkush seconded the motion that passed unanimously.

The regular meeting was recessed at 7:02 P.M.

PUBLIC HEARING

Ms. Benza, Chair called the public hearing to order at 7:02 P.M.

Zoning Commission members present were: Ms. Alaei, Ms. Benza, Ms. Puzzo and Ms. Walkush. Mr. Lateulere, Ms. Weber, Alternate and Ms. Westervelt, Alternate were absent.

Proposed Zoning Amendment Z-2023-1 proposes to amend Chapter 101 – Purpose and Conflict; Chapter 105 – Definitions; Chapter 117 – Board of Zoning Appeals; Chapter 133 – Schedule of Dimensional Requirements by Zoning District (New); Chapter 134 – Schedule of Uses (New); Chapter 135 – R5A Rural Open Residential District; Chapter 141 – Professional Office (P-O) District; Chapter 143 – CB Convenience Business District; Chapter 157 – Agriculture; Chapter 160 – Establishment of Riparian Setbacks; Chapter 161 – General Provisions; Chapter 165 – Nonconformities; Chapter 169 – Off-Street Parking and Loading Facilities; Chapter 173 – Signs.

Ms. Benza noted that the public hearing was duly advertised in the News Herald on May 19, 2023 and has been available for public examination and review at the township office for at least ten days before today as required by Ohio Revised Code Section 519.12 (D, 5). She stated that this is amending 14 chapters so it is quite a voluminous endeavor and explained the zoning amendment process per the Ohio Revised Code.

Ms. Benza read into the record the recommendation of the Geauga County Planning Commission in a letter dated May 11, 2023 in which the Planning Commission recommended approval of the proposed amendment with modifications.

The Zoning Commission summarized each chapter in the Proposed Zoning Amendment and discussed the recommended modifications by the Geauga County Planning Commission.

Ms. Benza solicited comments for the proposed amendment: None.

Ms. Benza solicited comments against the proposed amendment: None.

Ms. Puzzo moved to close the public hearing.

Ms. Alaei seconded the motion.

Vote: Ms. Alaei, aye; Ms. Benza, aye; Ms. Puzzo, aye; Ms. Walkush, aye.

The public hearing was closed and the regular meeting was reconvened at 8:12 P.M.

MODIFICATIONS ARE IN BOLD ITALICS

117.10 VARIANCE APPLICATION AND PROCEDURE.

(2) Standards for a "use" variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to, the following. All of the following factors must be met by the appellant.

~~(b) — An appeal for a variance stays all proceedings as provided in Section 117.09 (e).~~

(b) (e) In determining an appeal requesting a variance, the Board, *based upon the evidence presented at the public hearing*, shall consider *and weigh* the following in its findings: **Note:**

135.02 USE REGULATIONS.

(c-3) Indoor or *in ground* outdoor swimming pools for personal use provided outdoor pools are *permanently enclosed by a security fenced or walled*. The fence or wall shall be at least four (4) feet in height completely enclosing the pool or the yard containing the pool. The fence or wall must be designed *and constructed with appropriate materials so as to limit control access to children to the pool for the purpose of ensuring safety* and any gates must be self-closing, self-latching and lockable. The fence must extend to within three (3) inches of the ground and the fence or wall to within three (3) inches of any building that is part of the perimeter of the fenced or walled area. Above ground outdoor swimming pools, with a minimum perimeter height above grade of at least four (4) feet, ~~are not required to have~~ *do not require a fence or wall. However, an above ground pool shall be required to have an alternative means of controlling access to the pool. An outdoor pool shall not be filled with water and used until the fence or wall has been fully constructed, as well as all other components of the pool in accordance with the approved zoning certificate, and inspected by the Zoning Inspector. The minimum yards (setbacks) for an outdoor swimming pool shall be in accordance with Section 135.03(b)(9) subparagraphs (i) and (j). A hot tub shall have a security cover to control access to it for the purpose of ensuring safety.*

135.03 LOT REQUIREMENTS, HEIGHT, YARDS, LOT COVERAGE, BULK, FLOOR AREA SIGNS, SATELLITE DISHES AND ANTENNAS, AND OFF-STREET PARKING.

l. *A private garage, storage building, or shed shall not be:*

1. *Located over an existing or proposed on-site sewage treatment system and any appurtenant leach field, including a replacement area for such system, for which a permit has been approved by the Gauga County ~~Health Department~~ **General Health District/Gauga Public Health.***

161.03 TEMPORARY STRUCTURES AND USES.

The following temporary structures and uses may be permitted in the *Rural Open Residential (R-5A)*, *Rural Residential (R-3A)*, Convenience Business (CB), Professional Office (PO), Light Industry Restricted (LIR), Active Public Park (APP), Passive Public Park (PPP), and Mixed Use Planned Unit Development (MUP) zoning districts except as otherwise provided herein and subject to the following regulations in order to protect the public health, safety, and general welfare. These regulations allow for short-term structures and uses that will be compatible with, and shall not adversely impact, the adjacent area and existing uses; and, that shall be terminated and completely removed in a timely manner. If a temporary structure or use is not specifically listed herein, it shall be prohibited.

161.11 PERMITTED YARD OBSTRUCTIONS.

Unless otherwise specifically provided for and in addition to other permitted encroachments, the following shall not be considered as obstructions when located within required yards, but are still considered obstructions within Riparian Setbacks as defined in Chapter 160: [Z-2006-2 – Effective 6/29/2006]

A. No Zoning Certificate is required ~~unless otherwise provided in this resolution.~~ for the following:

- (1) Mailboxes and newspaper tubes.
- ~~(2) — Student bus shelters, to be used by persons waiting for pick-up only, with a maximum floor area of twenty (20) square feet and no more than one (1) such shelter per lot. The minimum setback from any lot line shall be ten (10) feet. Zoning certificate required.~~
- ~~(3)~~ (2) Permanent statuary or art objects. The minimum setback from any lot line shall be twenty (20) feet.
- ~~(4)~~ (3) Swing sets and related recreational or playground equipment, except as may otherwise be provided in this resolution. Such equipment shall be setback a minimum of ten (10) feet from any side or rear lot line and shall not be located in any required front yard. If such recreational or playground equipment has walls and/or a roof, it shall not exceed forty (40) square feet by measuring its footprint using exterior dimensions.
- ~~(5)~~ (4) Flag poles. A flag pole shall be setback a minimum of 1.1 times the height of the pole from any lot line and shall not interfere with any overhead utility wires.
- ~~(6)~~ (5) Awnings attached to and supported by building walls.

- ~~(7)~~ (6) Free standing air conditioning or heating units shall be located within five (5) feet of the building or structure they serve.
- ~~(8)~~ ~~*Uncovered steps, terraces, ramps providing handicapped access, and patios, shall not be located within fifteen (15) feet of any side or rear lot line nor within twenty five (25) feet of the front lot line, and they shall be attached or adjacent to a principal building. Zoning certificate required.*~~
- ~~(9)~~ (7) Aboveground gas or oil tanks or pumps for on-site residential use for heating or cooling not exceeding five hundred (500) gallons, shall not be located in the front yard or within fifteen (15) feet of any side or rear lot line.
- ~~(10)~~ (8) Standby or emergency generators shall not be located in the front yard and shall be located within four (4) feet of the building they serve.
- ~~(11)~~ ~~*Modular, porous and solid or impervious pavements, aggregate stone driveways, turnarounds, trails, walkways, and sidewalks provided that they are located not less than two (2) feet to any side or rear lot line. [Z-1996-8 Effective 1/8/1996 and Z-1997-6 Effective 9/3/1997] Zoning certificate required.*~~
- ~~(12)~~ (9) Detention basins, extended detention basins, retention basins, ponds, fire protection ponds, and constructed wetlands. [Z-1997-6 – Effective 9/3/1997]
- ~~(13)~~(10) Exterior ornamental and security lighting fixtures. The minimum setback from any lot line shall be equal to the maximum height of the fixture.
- ~~(14)~~(11) Landscaping features and screening, including earthen mounds and retaining walls. The minimum setback shall be five (5) feet from any lot line.
- ~~(15)~~ ~~*Fences and walls. Zoning certificate required.*~~
- ~~(16)~~ ~~*Permanent outdoor barbeque facilities, kitchens, fireplaces, and fire pits shall not be located in the front yard and the minimum setback shall be fifteen (15) feet from any side or rear lot line. Provided, however, if there is a chimney attached to the barbeque facility, kitchen or fireplace then the minimum setback shall be equal to the height of the chimney to any side or rear lot line, but in no case less than fifteen (15) feet. Zoning certificate required.*~~

B. A zoning certificate is required for the following:

- (1) Student bus shelters, to be used by persons waiting for pick-up only, with a maximum floor area of twenty (20) square feet and no more than one (1) such shelter per lot. The minimum setback from any lot line shall be ten (10) feet. ZONING CERTIFICATE REQUIRED.**
- (2) Uncovered steps, terraces, ramps providing handicapped access, and patios, shall not be located within fifteen (15) feet of any side or rear lot line nor within twenty-five (25) feet of the front lot line, and they shall be attached or adjacent to a principal building. ZONING CERTIFICATE REQUIRED.**
- (3) Modular, porous and solid or impervious pavements, aggregate stone driveways, turnarounds, trails, walkways, and sidewalks provided that they are located not less than two (2) feet to any side or rear lot line. [Z-1996-8 – Effective 1/8/1996 and Z-1997-6 – Effective 9/3/1997] ZONING CERTIFICATE REQUIRED.**
- (4) Fences and walls. ZONING CERTIFICATE REQUIRED.**
- (5) Permanent outdoor barbeque facilities, kitchens, fireplaces, and fire pits shall not be located in the front yard and the minimum setback shall be fifteen (15) feet from any side or rear lot line. Provided, however, if there is a chimney attached to the barbeque facility, kitchen or fireplace then the minimum setback shall be equal to the height of the chimney to any side or rear lot line, but in no case less than fifteen (15) feet. ZONING CERTIFICATE REQUIRED.**

173.11 NONRESIDENTIAL DISTRICT SIGNS REQUIRING A ZONING CERTIFICATE.

Upon issuance of a zoning certificate for a sign, as provided in Section 173.12, signs may be permitted in CB, MUP, P-O, and LIR zoning districts, in accordance with the following provisions: **[Effective 7-8-2015 – Z-2015-1]**

(a) Permanent Signs. Subject to the restrictions and requirements set forth herein:

(1) Wall Signs. Wall signs shall not project more than eighteen (18) inches in front of the building wall nor beyond any building corner. Such signs shall not extend above the height of the building nor more than twenty-two (22) feet above finished grade. Such signs may include provisions for changeable copy in conformance with Section 173.11(c) (2) hereof.

Except on a corner lot, One (1) wall sign for each business use or tenant within a building shall be permitted and shall not exceed 1.25 square feet in area for each lineal foot of the building wall or façade which faces the principal street or contains the main entrance as determined by the Zoning Inspector. On a corner lot, one (1) additional wall sign for each business use or tenant within a building shall be permitted and shall not exceed 1.25 square feet in area for each lineal foot of the building or wall that faces the secondary street.

Ms. Alaei moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommend the approval of the following proposed amendment Z-2023-1 to the Bainbridge Township Zoning Resolution which is an amendment to Chapter 101 – Purpose and Conflict; Chapter 105 – Definitions; Chapter 117 – Board of Zoning Appeals; Chapter 133 – Schedule of Dimensional Requirements by Zoning District (New); Chapter 134 – Schedule of Uses (New); Chapter 135 – R5A Rural Open Residential District; Chapter 141 – Professional Office (P-O) District; Chapter 143 – CB Convenience Business District; Chapter 157 – Agriculture; Chapter 160 – Establishment of Riparian Setbacks; Chapter 161 – General Provisions; Chapter 165 – Nonconformities; Chapter 169 – Off-Street Parking and Loading Facilities; Chapter 173 – Signs ***with the stated modifications*** listed above.

Ms. Walkush seconded the motion and the roll being called the vote of the Bainbridge Township Zoning Commission was as follows:

Vote: Ms. Alaei, aye; Ms. Benza, aye; Ms. Puzzo, aye; Ms. Walkush, aye.

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

(Audio Recording of Public Hearing on File)

OLD BUSINESS

Proposed Land Use Update

Mr. Dietrich reported that the Request for Proposals are due June 30, 2023.

CORRESPONDENCE

1. Bainbridge Township Board of Trustees Meeting Minutes, dated April 10, 2023; April 24, 2023 and May 8, 2023.
2. Bainbridge Township Board of Zoning Appeals Meeting Minutes, dated March 16, 2023 and April 20, 2023.

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

Ms. Walkush seconded the motion that passed unanimously. The meeting was adjourned at 8:16 P.M.

Respectfully submitted,

Linda L. Zimmerman
Zoning Commission Secretary

Lorrie Sass Benza, Chair

Date Approved: June 27, 2023