

Minutes of Zoning Commission

September 24, 2024

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Ms. Marlene Walkush, Chair at 6:05 P.M. Members present were: Ms. Jill Adams, Alternate; Ms. Lorrie Sass Benza; and Ms. Jennifer Troutman. Ms. Stephanie Puzzo and Ms. Laura Weber, Alternate were absent. Also present was Mr. Dave Dietrich, Planning and Zoning Coordinator.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC COMMENTS

None

GUEST

Assistant Fire Chief William Lovell

RESIGNATION

The Zoning Commission acknowledged the resignation of Mr. John Lateulere.

MINUTES

Ms. Troutman moved to adopt the minutes of the August 27, 2024 meeting as written.

Ms. Sass Benza seconded the motion.

Vote: Ms. Jill Adams, aye; Ms. Sass Benza, aye; Ms. Troutman, aye; Ms. Walkush, aye.

OLD BUSINESS

Resolutions “Regulating Sexually Oriented Business and Employees” and “Prohibiting Criminal Conduct in Sexually Oriented Businesses”

Mr. Dietrich reported that Ms. Linda Applebaum, Geauga County Assistant Prosecuting Attorney has reviewed the resolutions and she had some questions/concerns about the resolution pertaining to “Criminal Activity” and she opined that this is something she should talk to Geauga County Prosecutor Jim Flaiz about and he felt that maybe it could be handled in some other manner so it may be off the table and there is another resolution, there are two of them, and she has not commented on the other one yet. He said some of the things she questioned the constitutionality of and then she thought there were perhaps other provisions in the ORC that

may be applicable and that Mr. Flaiz will take a look at that. She questioned the classification of this matter as a misdemeanor as well. It is on hold because there is only a brief email response.

Proposed Zoning Amendment – Zoning Map Change

The Zoning Commission reviewed a preliminary draft of a proposed zoning map that would re-zone the MUP area in the southwest corner of the township to CB (Convenience Business) which will solve a lot of non-conformities, except for the Geauga Lake redevelopment area.

Proposed Zoning Amendment Z-2024-2

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

Ms. Sass Benza seconded the motion that passed unanimously.

The regular meeting was recessed at 6:18 P.M.

PUBLIC HEARING

Ms. Walkush, Chair called the public hearing to order at 6:18 P.M.

Zoning Commission members present were: Ms. Adams, Alternate; Ms. Sass Benza; Ms. Troutman and Ms. Walkush.

Proposed Zoning Amendment Z-2024-2 proposes to amend Chapter 121 – Amendments; Chapter 131 – Districts Classified and Purpose; Zoning Map; Chapter 153 – Farm Markets and Agritourism; Chapter 157 – Agriculture; Chapter 159 – Environmental Standards; Chapter 160 – Establishment of Riparian Setbacks; Chapter 169 – Off-Street Parking and Loading; Chapter 177 – Prohibited Uses.

Ms. Walkush noted that the public hearing was duly advertised in the News Herald on September 13, 2024 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).

The Zoning Commission reviewed and considered the following recommendations of the Geauga County Planning Commission in a letter dated September 13, 2024 in which the Planning Commission recommended approval of the proposed amendment with modifications as follows:

Assistant Fire Chief William Lovell was present to discuss the proposed amendment to Chapter 169.01 – Single Family Residential Driveways.

- Chapter 169.01

a. The Planning Commission recommended considering ten (10) feet as a minimum driveway width as zoning is meant to provide for the minimum for health and safety, but no objection based upon Township fire department input.

Mr. Lovell stated that he did not know what they were referring to on that but the Fire Department recommendation was 12' wide for driveways for a number of reasons and he can go into them if the Zoning Commission would like. He said originally when Mr. Dietrich talked to him about this he never thought about it for residential because he deals mostly with commercial because that is where his jurisdiction and authority mostly is in Fire Prevention but most of our calls are in residential areas so for thirty to forty years he has experienced trying to squeeze in the driveway so he has a lot of understanding with that and he also understands how fire trucks and ambulances maneuver on those driveways compared to the nice fire car that he has or his own personal car. He said we talked about it in detail and he still wasn't sure so he did a simple Google search and right now they introduced a new feature to their searches recently, it is called AI overview and what that means is that it takes all of the results and it summarizes it so basically when you search minimum width of a residential driveway and you don't specify width it tells you that it should be 10' unless you are driving some bigger vehicle like recreational vehicles or delivery trucks which are smaller than our fire trucks and our ambulances for the most part but it also in many of the results and he looked to see where they got the AI from out of curiosity, larger vehicles on driveways, and he has it highlighted for larger vehicles, vans, RVs, campers the driveways should be at least 12' wide and then he searched minimum width of residential driveways for emergency vehicles and he got a similar result and as you see it is highlighted on there as well but he also in a recommendation to Mr. Dietrich listed that if you have curves and winds we have to be very careful of what we have in those curves and winds because our trucks are longer and the bumpers stick out farther than we are accustomed to in cars and even delivery trucks the bumper sticks out farther because we have a working space in front of the bumper. He said to better explain what we are dealing with here, he took some pictures. He showed the Zoning Commission photos and said he is showing an 8' wide ambulance but when he opens up just one door, it is 10' wide already and with that in mind if he opens up two doors to get the equipment out it is 12'. He said that is all fine as long as nobody has trees along their immediately longer driveway, they don't have high bushes, pricker bushes especially, they don't have Poison Ivy patches growing up the side of the bushes and for the few months that we don't have snowplow piles on the side of the driveway it all works well but the narrow driveways cause us a real problem when we are trying to get the emergency equipment out once we pull into the driveway. He said when we pull into the driveway we typically back in.

Ms. Sass Benza said when her car caught on fire, the fire truck came into her driveway and parked on her grass narrowly missing her standpipe for her septic system and it is very difficult to maneuver and that was in the beautiful days of summer where we didn't have to worry about snow.

Mr. Lovell said and you have a straight shot in.

Ms. Sass Benza said correct.

Mr. Lovell said and it is very difficult.

Ms. Sass Benza said right and showed a photo of the fire truck in her driveway.

Mr. Lovell said thank you because that is a better picture than he is providing right now but he can see with just the front door open, with two doors open that is 12'. He said here is the back of a fire truck, 8-1/2', that gives us 1-1/2' to operate.

Ms. Walkush asked where the tires sit on here.

Mr. Lovell said the tires are back here but he is also highlighting here that when you open the door it is going to be 10-1/2' or even larger, the man-door is larger than the side man-door on the ambulance, the man-door is about 3' so 8-1/2' and 3' is 11-1/2' right there, you have 1/2' of pavement if the driveway was totally plowed in the first place and if they keep their brush and stuff cut on the longer driveways that causes a problem, we rip our antennas off our vehicles all of the time, we break the lights on our vehicles all of the time when we have the longer drives that are narrow like that and we get towed out of driveways on emergencies when we either have to call another community or we have to send another ambulance to do the transport because as we back in we went off the drive and it happened to be raining just before that and now we can't get back on the drive, it is a real problem so we welcome the 12' for that reason as well, also to understand he is talking about the curving, from the middle of the front tire to the front of the bumper is another 8-1/2', different than what you are used to when you are driving a car so this bumper has to swing out over the unpaved area. He said part of his job is to drive into people's long driveways and make sure we can get underneath their trees and we can make the curves and they didn't put something very decorative that would compromise us being able to get in so that is part of it. He said with that in mind he didn't add, because he is only being asked about width of driveways but something else to consider while you are doing this, a lot of the accidents happen with people backing out of their driveways, they are backing out of driveways onto main roads, that is a bad practice, sometimes they can't help it because there is no place to turn around and if you need proof go to Highway Garage and look at all of the Amazon trucks, they can't turn around, they back out onto the highway and they get smashed into the back, there are about 40 of them there right now that way so perhaps on main roads a turnaround should be considered too on new driveways for that so the people don't come out, so the kids don't pull out, the inexperienced drivers especially or the elderly drivers that have a visibility problem already, if they are backing out. He said the T-bone accident of a car pulling out of a driveway is pretty severe most of the time and often tragic so he wanted to add that but that is not the question but something to consider. He said so that is why we support the 12', can we get into a 10' driveway, yes, but if we have one of our typical winters just beforehand and the driveway was plowed down the side, we may not be able to get to our equipment very easily, you want us to get to our equipment very easily.

Assistant Fire Chief Lovell continued by saying think of that ambulance that he showed, if we have to take the ambulance cot past the ambulance to load you in the back, we hardly don't have enough room, if we have to pull in because it is more than a distance that is practical to get to you in an emergency but we have no place to turn around we have to go to get that ambulance cot past the ambulance and then past it again to load you in the back so a wider driveway helps for that too. He said when they recognize that they pull in as far as they can and even if it is a plowed property they might even put the ambulance on that side that we are not going to be putting the ambulance cot and a little farther over and we have just enough space.

Ms. Walkush said she really appreciates the pictures and added that one of the reasons we talked about changing it to a lesser amount, we were worried about people who already had existing driveways and then perhaps had to replace them, they would have to be the new requirement so to get around that we thought maybe we would put a memorandum of understanding in the file, correct.

Ms. Sass Benza said yes, a memo to file and again that is not binding, that would be Mr. Averill's approach now but with another zoning inspector in the future, that may change.

Ms. Troutman said she thinks that would be her concern, for new builds that is one thing, but there are so many older homes in this township that she cannot even imagine asking her 85 year old neighbor to, if you are going to re-asphalt now you are going to have to dig another two feet.

Mr. Lovell said he is under the impression that there is no rule right now so this is our opportunity to make a rule.

Ms. Troutman said she is saying prospectively not retroactively.

Mr. Lovell said he agrees, he is already stuck with what we have, let's not add to the problem.

Ms. Troutman said but when people, she guesses the conversation and you weren't here for it but the conversation we had last month was what happens when people decide to when they want to re-asphalt and they have to dig up all the asphalt because they can't do a layover and now they have literally torn out their entire driveway, is the inspector going to come by and say oh by the way, while you are replacing your entire driveway, you need to dig out two extra feet or you need to dig out five extra feet or six extra feet, she doesn't know how wide people's driveways are, hers is huge but.

Mr. Lovell said when you make rules like this, is there a grandfather clause.

Ms. Troutman said you can have a grandfather clause, yes.

Mr. Lovell said okay.

Ms. Troutman said she thinks the conversation is appropriate now when you are here and we can talk to you about that as well because she understands your vision for new builds but what she is concerned about is everybody who has driveways that are non-conforming to what would be a new rule conceivably people who are going to build brand new houses out here can afford to do a 12' wide driveway but that is also she thinks something that we need to consider is we are adding an extra expense to people who want to come out and build in Bainbridge.

Mr. Lovell said he had a house with a 9-1/2' driveway that was approved to build that way when he first put it in, because of this change, it would be hard for him to maintain his current driveway without an added expense to make it now 12' and a turn-around if they are on a main road as well. He said he would expect that it would be a grandfather situation.

Ms. Sass Benza said so here is the thing, you are grandfathered if what you have is existing, if it changes you don't have to make the changes to comply, okay, as it sits you are protected, you are grandfathered but if you change something then generally speaking you have to comply with the new regulations so what Ms. Troutman is saying is that if somebody wants to tear out their driveway and replace it, and we have now adopted a new provision, generally speaking you would have to comply with the new provision because you are voluntarily getting rid of that thing that was grandfathered and you were putting in something new. She said what we understand from the current zoning inspector is that, his interpretation would be that if you have 10' or 9-1/2' whatever, and you want to replace it then you still get to replace it with what is there, you still get to use the same dimension with what is there, that is not really, as she reads it, what the law says as far as grandfather protection but she believes that that is his interpretation so what we said is if we are right in understanding that that would be his interpretation, maybe put something like a memo to file where he can note, a paper in the files so ten years from now when he is no longer the zoning inspector and we get somebody new and the new person says that is not how we do things, that memo to file is not binding.

Mr. Lovell said in the building on fire codes, with life safety there is no grandfathering but when they intend to accommodate this, they put after a certain date if it was constructed after a certain date, not reconstructed, but if he had his driveway before December 31, 2024 in there that is what he still has to keep as the standard even if it is 2030 now and he is going to redo his driveway, can you do that with a date kind of setup thing.

Ms. Sass Benza said she doesn't know that answer, she has not seen it. She asked Mr. Dietrich if he knows of anybody who has done it.

Mr. Dietrich said no.

Ms. Walkush asked why couldn't we.

Ms. Sass Benza said she doesn't know if we have the authority to do that, there is a lot of case law and that law speaks to prior non-conforming uses and it talks about the grandfather, it doesn't say grandfather but it is essentially the grandfather protection.

Mr. Lovell said it is a hardship then.

Ms. Walkush said to tell you the truth part of her driveway is paved and part of it is still gravel and she is not putting in a new, she is not going to pave the other part, not at 12', she is not doing it.

Mr. Lovell said they never specified that it had to be paved.

Ms. Walkush said well no but it is a drive, it is a gravel driveway.

Ms. Sass Benza said but if you were going to pave it.

Ms. Walkush said she would have to go to 12'.

Ms. Sass Benza said that is an interesting question, if you go from gravel to asphalt or concrete.

Ms. Troutman said or asphalt to concrete, do you know what she means. She said she can see the argument on both sides.

Ms. Sass Benza said she does too.

Ms. Troutman said she is going to tear up her entire asphalt driveway and now she is going to concrete it, you don't really have a driveway at the moment so we are going to make you expand it.

Mr. Lovell asked where does it say for new construction meaning that they are structures.

Ms. Walkush said the date on the bottom of the resolution determines it going forward.

Mr. Dietrich said we will have a benchmark in that regard, he understands where Ms. Sass Benza is coming from, his initial reaction is or was he should say he thinks he said this at an earlier meeting that if you go with a complete tear out you have given up your grandfather.

Ms. Sass Benza said yes, your grandfather protection.

Mr. Dietrich said Mr. Averill said this is grandfathered in and he is going to observe whatever was there.

Ms. Troutman said but that is his opinion and he thinks Ms. Sass Benza's and her concern is what happens, it is really dangerous to make rules around a person who is in a position because you've got to look past the person and what is the effect, regardless of who is sitting behind that desk, what is the interpretation going to be and that is her concern.

Ms. Sass Benza said but having said that those of us who have done township stuff, the county prosecutor is our legal counsel and we've had a number of situations where one prosecutor opines a certain way and the advice was given based on that and then two years later you might have somebody totally different with a totally different interpretation. She said she doesn't know if there is a clear answer to that.

Mr. Lovell said if he builds a house after a certain date this is how he has to build it but if his house was built before a certain date he doesn't have to follow that, is that allowed.

Ms. Walkush said we are not sure, look at her driveway, part of it is paved and part of it is not.

Ms. Troutman said she understands that which would be the cleanest way to do it is the date you break ground for your home so if she starts building in 2025 and the resolution was passed in 2024 and it says anything built beginning January 1, 2025 has to comply with this new 12' wide driveway and that is it, if it goes by the date of building that is one thing although she can see a challenge.

Ms. Sass Benza said if you are going to do it for the driveway you have to do it for other things too.

Ms. Troutman said she just doesn't know.

Mr. Lovell said he understands what you are saying.

Ms. Troutman said she understands, her son is a fireman, she gets it so when they have to go in places they can't get to people it is challenging, she understands, she is just trying to make sure that we are not putting an undue burden on people who already have driveways who are trying to upkeep them.

Mr. Lovell said if he were to build a freestanding garage on his property after that date, yes making me now put a wider driveway in because of that.

Ms. Troutman said so we are going to differentiate between dwelling and garage or being different between a residential home.

Ms. Sass Benza said no we are not because the definition of a structure, a driveway is a structure.

Ms. Troutman said so now we all have triggering dates of things that are being built.

Mr. Lovell said when he was saying structure he was thinking about a building.

Ms. Troutman asked like a house or any building.

Ms. Sass Benza said in our definitions a driveway is a structure and zoning regulates structures.

Mr. Lovell said so building would have to be used instead.

Ms. Sass Benza said she doesn't know if you want to limit it just to buildings, there are so many other things that are structures.

Ms. Troutman said but this particular item is geared towards residential only, correct.

Mr. Lovell said it helps us with the commercial buildings.

Ms. Troutman said so we are talking about building houses. She asked what the driveways are in the new Canyon Lakes development going up and could you find out.

Ms. Adams said in there the front yards are short so you might not have issues, they can always park on the street.

Ms. Troutman said in Lucerne, you are not pulling into anyone's driveways, right. She asked if the fire department ever pulls into people's driveways in Lake Lucerne.

Mr. Lovell said yes but typically not a fire truck but some of the driveways are long enough that they can get in there and still be far enough away from the fire so it won't damage the fire truck and he can think of one time where we brought an ambulance into a Lake Lucerne driveway and we really created a lot of landscaping work after once it got removed. He said the driveway wasn't in good shape and it allowed us to slide off but that is another issue that we have is ice being compacted down and then all of a sudden it starts to melt and it becomes very slippery and the vehicle sometimes in the course of backing will slide off with gravity to where the lower point is.

Ms. Troutman said she just passed a house the other day that has this really long narrow driveway and it goes over a bridge and her very first thought was that fire truck is never getting down there, there is no possible way, unfortunately we can't force people to build to conform to this.

Ms. Walkush said we could put in our new amendment saying that there is a memo of understanding in the file for that.

Ms. Sass Benza said that may not be a bad idea.

Ms. Walkush said so people will understand.

Ms. Sass Benza said if there is something in the record that it would be the zoning inspector's interpretation.

Ms. Walkush said correct.

Ms. Sass Benza said she doesn't know why we couldn't.

Ms. Walkush said she would feel better about that going forward.

Ms. Sass Benza said again, even if you do that it is not necessarily binding on the future zoning inspector but it does give him a point of reference.

Mr. Dietrich said it is not a regulation.

Mr. Lovell said he pulled up a map with Canyon Lakes and went to the first street, Buckthorn and picked a driveway that he could see real well on the aerial photo, and he draws his line across which measures and it is 14'.

Ms. Troutman asked if that is the new Canyon Lakes Development.

Ms. Sass Benza said no that is the original.

Mr. Lovell said he is going to do that again to make sure there is consistency.

Ms. Adams said when we were talking about tearing something out and then adding, let's say she doesn't have enough room to make it 12'.

Ms. Sass Benza said you would have to ask for a variance, you would have a practical difficulty.

Mr. Dietrich said that would be a variance request.

Mr. Lovell said he is looking at 17400 Hawksview and it is 14'. He said that is two, he can't tell you what they all are.

Ms. Adams said a lot of those probably are, if it is a two car garage and it faces the street, it is double wide.

Mr. Lovell said he thinks many of those houses in Canyon Lakes have garages that face the street.

Ms. Troutman said they are probably wide enough that you can pull two cars in next to each other in the driveway, she assumes.

Mr. Lovell said it would be a tight fit at 14' side by side.

Ms. Sass Benza said but the Planning Commission's recommendation said recommend considering 10' is the minimum driveway width as zoning is meant to provide for the minimum for health and safety but no objection based upon township fire department input.

Ms. Walkush said giving his information she likes the 12' but she would like something else in there if we could do that, that memo that is on file.

Mr. Dietrich said he doesn't know about referring to a memo in the zoning resolution, he has never seen anything quite like that, he certainly understands the rationale.

Ms. Sass Benza asked Mr. Dietrich if Mr. Averill is willing to do something like that, do we know.

Ms. Troutman asked if she is hearing this correctly, 10' is sufficient but 12' is really better or 12' is the necessity.

Mr. Lovell said you saw her (Ms. Sass Benza) picture and she says she has a 10' driveway, it was tight, it isn't sufficient.

Ms. Sass Benza said she was lucky because it was in the middle of summer-time and she doesn't have landscaping along her driveway and it doesn't slope down.

Mr. Lovell said and it is straight, you don't have any curve whatsoever so that 10' worked for us, the back wheels will be off and the front wheels are perfectly aligned.

Mr. Dietrich said it is the ODOT standard, 12'.

Ms. Troutman said her question the last time, but do you know if Auburn has any kind of driveway width requirement.

Mr. Lovell said he does not.

Ms. Troutman said or anybody else in the county, she is just trying to see if we are the only ones that are going to require this, is it common for places to require it.

Mr. Dietrich said we may be the last township standing without a minimum width driveway requirement.

Ms. Troutman said this is good information, that is why she is asking because we don't want to be the only ones that don't have an expectation for safety reasons.

Ms. Walkush said we are interested in the safety issue.

Ms. Troutman said right, that is what she is saying.

Ms. Lovell said he used Google and that is what he got as results from all over the county and then summarized.

Ms. Sass Benza said her inclination is based on this, the recommendation from planning and based on the input from our Assistant Fire Chief and based on the ODOT information, shared by our planning consultant, her gut reaction would be, she realizes there can be some potential for difficulty and she also knows that the variance option is there, maybe that is the thing that we talk about when we have a joint meeting would be to recommend approval, adoption and approval of 12' and then ultimately it is up to the trustees, whatever they want to do and we don't make the decision, we make a recommendation.

Ms. Troutman said she doesn't have a problem with the 12', she is more concerned about people who want an existing tear off and redo and she doesn't know how to address that, maybe the trustees can have some opinion on that but she thinks they need to know that that is a concern, at least of hers but she thinks she is hearing it is a concern of some other people as well but to her the 12' on a new build, they are not going to really know, like it used to be 10' and now it is 12' so she doesn't think it is really going to be that impactful to a new home builder versus how much it will help fire safety, it is the prior driveways she is concerned about.

Mr. Lovell asked if they are changing their driveways if they have to come to zoning for that.

Mr. Dietrich said Mr. Averill is probably going to tell you no.

Ms. Sass Benza asked, you don't need to pull a permit.

Mr. Dietrich said no, it is what it is.

Mr. Lovell said it shouldn't arise unless you are changing the configuration of a driveway.

Mr. Dietrich said if you are widening.

Ms. Troutman said she could see the new resolution kicking in if they are taking a straight driveway and putting in a horseshoe driveway for sure that is going to apply.

Mr. Dietrich said right.

Mr. Lovell said changing the configuration on the driveway, not just redoing an existing driveway, he sees the difference and he is sympathetic to your concerns.

Ms. Sass Benza said it is a tough issue.

Mr. Dietrich said who knows of how many tear outs of existing where they didn't change anything and we don't even know. He said people do call when they are extending or putting in a turn-around.

Ms. Sass Benza said if they are just going to resurface and widen, you don't really hear about that.

It was noted that the township charges \$50.00 for a zoning permit for a driveway expansion.

Mr. Dietrich said if somebody calls and says they are doing a tear out of an existing drive and not changing the dimensions they don't need a permit.

Ms. Walkush said personally she is all for leaving it at 12' as it was stated with the caveat that we will have Mr. Averill put a memo in the file.

Ms. Sass Benza said she thinks he will do it she just doesn't know what kind of teeth it has but that is all you can do.

Ms. Walkush said this is a sticky wicket.

Mr. Lovell asked if it is too late to get it considered for main roads, waiting for people to turn around so they don't get hit.

Ms. Sass Benza said that is a future consideration.

Mr. Lovell said if you back out and you cause an accident it is a good possibility that it is your fault but we want to avoid tragic accidents like that and main roads seem to have higher speeds and people aren't looking for people to back out that is why we back our ambulances in.

No changes to 161.01 per Zoning Commission.

Ms. Sass Benza asked if Ms. Applebaum did not opine anything on Chapter 121.

Ms. Walkush said no.

• Chapter 131.01

a. Recommend spelling correction of "Distric" under Convenience Business. ***The punctuation was corrected – District.***

b. Recommend Section 131.01 be reviewed to ensure the existing text is accurately represented based upon the Z-2018-1 adopted amendment. If not, it should be revised to include the references and shown as struck through to indicate the language is being deleted. ***It is accurate per Zoning Commission.***

- Chapter 131.0 4(h)
 - a. Recommend wording be " ... Chagrin, **and** Bainbridge or at major intersections ... " (note deletion of the parenthesis) - ***The word "and" was added. Parenthesis was deleted per Zoning Commission.***

- Chapter 153.05
 - a. Recommend "may" not be used as it could lead to inconsistent compliance. Requiring an applicant to complete an agricultural exemption form is not regulating or prohibiting the use. It is documentation to verify the use is exempt. Recommend using "shall" in this instance. ***No changes per Zoning Commission***

The Zoning Commission recommended modifying the last sentence in the second paragraph of 153.01 by adding a semi-colon after O.R.C. 519.21(A) and changing the “P” in the word “Provided” to lower case. “O.R.C. 519(A); provided however,.....”.

- b. Recommend reference be added as to where/whom an agricultural exemption form may be obtained. ***No changes per Zoning Commission.***

- Chapter 157.03(d)
 - a. After the newly added reference to Chapter 1 65, recommend adding "of this zoning resolution", or other language that will match how the Township otherwise refers to their zoning resolution. ***No changes per Zoning Commission.***

- Chapter 159.03(f)
 - a. Recommend not including item "f" as township zoning is not authorized or credentialed to issue or inspect storm water violations. ***No changes per Zoning Commission.***

- Chapter 160.05(e)
 - a. Recommend used of "Sewage Treatment System" to more closely align with Township's existing definitions of "Sewage System, Onsite" and "Sewers, Central". ***Changed the word “Wastewater” to “Sewage” per Zoning Commission.***
 - b. Recommend reference to 161.21 and 161.22 not be cited as they do not yet exist. ***No changes per Zoning Commission.***

- Chapter 169.03
 - a. If all language is being deleted with only a reference to 169.09 being added, recommend 169.03 be marked as "Reserved". ***No changes per Zoning Commission.***

- Chapter 169.06
 - a. As student enrollment can fluctuate, recommend pursuing another method of calculation and contacting the Ohio Facilities Construction Commission for input. ***No changes per Zoning Commission.***

- Chapter 169.10(a)
 - a. Recommend a minimum forty (40) feet setback instead of twenty (20) feet in residential zoning districts. *No changes per Zoning Commission.*

- Chapter 177.01(11) and (mm)
 - a. As small wind farms (less than 5MW) and small solar facilities (less than 50MW) includes any and all projects of that size, including private residential use, recommend adding reference to "except as otherwise permitted in Chapter 134.02" or "in this resolution" for clarification. *No changes per Zoning Commission.*

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

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

Ms. Sass Benza moved to close the public hearing.

Ms. Adams seconded the motion.

Vote: Ms. Adams, Alternate, aye; Ms. Sass Benza, aye; Ms. Troutman, aye; Ms. Walkush, aye.

The public hearing was closed and the regular meeting was reconvened at 7:30 P.M.

Ms. Sass Benza moved the adoption of the following motion:

That the Bainbridge Township Zoning Commission recommend the approval of the following proposed zoning amendment Z-2024-2 to the Bainbridge Township Zoning Resolution which is an amendment to Chapter 121 – Amendments; Chapter 131 – Districts Classified and Purpose; Zoning Map; Chapter 153 – Farm Markets and Agritourism; Chapter 157 – Agriculture; Chapter 159 – Environmental Standards; Chapter 160 – Establishment of Riparian Setbacks; Chapter 169 – Off-Street Parking and Loading; Chapter 177 – Prohibited Uses with modifications as mentioned in the public hearing.

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

Vote: Ms. Adams, Alternate, aye; Ms. Sass Benza, aye; Ms. Troutman, 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)

CORRESPONDENCE

1. Memo from the Geauga County Planning Commission, dated September 19, 2024.
RE: Chagrin Falls Park Lorain Street – Replat No. 1 – Final Plat.

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

Ms. Sass Benza seconded the motion that passed unanimously. The meeting was adjourned at 7:35 P.M.

Respectfully submitted,

Linda L. Zimmerman
Zoning Commission Secretary

Marlene Walkush, Chair

Date Approved: January 28, 2025