

## Minutes of Zoning Commission

June 24, 2025

The regular meeting of the Bainbridge Township Zoning Commission was called to order by Ms. Marlene Walkush, Chair at 6:05 P.M. at the Bainbridge Township Burns-Lindow Building, 8465 Bainbridge Road Road. Members present were: Ms. Lorrie Sass Benza and Mr. Dan Tutolo. Ms. Jill Adams, Alternate; Ms. Jennifer Troutman and Ms. Laura Weber, Alternate were absent. Mr. Dave Dietrich, Zoning and Planning Coordinator was present.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

### PUBLIC COMMENTS

None.

### GUESTS

None.

### MINUTES

Mr. Tutolo moved to adopt the minutes of the 5/27/2025 meeting as written.

Ms. Sass Benza seconded the motion.

Vote: Ms. Sass Benza, aye; Mr. Tutolo, aye; Ms. Walkush, aye.

### NEW BUSINESS

#### Election for Vice Chair

Ms. Sass Benza moved to elect Mr. Dan Tutolo as Vice Chair.

Ms. Walkush seconded the motion that passed unanimously.

### OLD BUSINESS

#### Ohio Senate Bill 104 and Ohio House Bill 109 – Short Term Rentals

The Zoning Commission discussed Ohio Senate Bill 104 and Ohio House Bill 109 and agreed to table the discussion.

Ohio Revised Code Chapter 519

The Zoning Commission discussed O.R.C. Chapter 519 and agreed to table the discussion.

Proposed Zoning Amendment – Z-2025-2

Ms. Sass Benza made a motion to recess the regular meeting.

Mr. Tutolo seconded the motion that passed unanimously.

The regular meeting was recessed at 6:17 P.M.

PUBLIC HEARING

Ms. Walkush, Chair called the public hearing to order at 6:17 P.M.

Zoning Commission members present were: Ms. Sass Benza; Mr. Tutolo and Ms. Walkush.

Proposed Zoning Amendment Z-2025-2 proposes to amend the following chapters: Chapter 105 – Definitions; Chapter 109 – Zoning Inspector; Certificates and Enforcement; Chapter 117 – Board of Zoning Appeals; Chapter 133 – Schedule of Dimensional Requirements; Chapter 134 – Schedule of Uses; Chapter 135 – R-5A Rural Open Residential District; Chapter 139 – R-3A Rural Residential District; Chapter 140 – Active Public Park District; Chapter 141 – Professional Office (P-O) District; Chapter 142 – Passive Public Park District; Chapter 143 – CB Convenience Business District; Chapter 155 – LIR Light Industry Restricted District; Chapter 160 – Establishment of Riparian Setbacks; Chapter 161 – General Provisions; Chapter 173 – Signs.

Ms. Walkush noted that the public hearing was duly advertised in the News Herald on June 13, 2025 and has been available for public examination and review at the township zoning 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 June 18, 2025 in which the Planning Commission recommended approval of the proposed amendment with modifications as follows:

Responses from the Zoning Commission are in ***Bold Italics***.

Chapter 105 Definitions

- a. Footprint: Measurement of the exterior edge of the foundation is clear. However, carports, as they do not contain a foundation, would not be included in the "footprint" calculation and therefore, allow for unrestricted size of a carport structure. See Section 135.02.

***By definition a “carport” is an accessory structure with a roof that is not fully enclosed by walls and is attached to the principal dwelling or building or to an accessory building. So, its size and setbacks are regulated. The term “foundation” is undefined so the zoning inspector may determine the exterior edge of the foundation.***

- b. Lot, Corner: Recommend all definitions beginning with the term "Lot" be reviewed to ensure all are in order alphabetically. Also recommend "or more" be added for the rare instances of a lot with frontage on more than two roads.

***The term “lot, flag” will be relocated alphabetically. If a lot has frontage on more than two roads, it is classified as a multiple frontage lot.***

- c. Lot Line: It is the zoning inspector's job to enforce the zoning, so the proposed language is not necessary.

***The determination by the zoning inspector of the front, side and rear lot lines was added for clarity – to ensure that the zoning inspector has the authority to do so.***

- d. Service Station: Instead of "Uses permissible at a service station do not include ..." recommend the following wording "Permitted uses do not include..."

***“Permissible” and “permitted” uses have the same meaning. Permitted uses are set forth in the CB zone for a service station.***

- e. Sign, General Advertising: recommend this definition be removed as "Sign, Off Premises" covers it. Stating 'general advertising' is not content neutral.

***“General advertising” signs are off-premises signs that are prohibited in the sign chapter.***

Chapter 134 Schedule of Uses

- a. Section 134.02 Trash Containers: Section 161.22 states trash containers and recycling bins are prohibited in the R-5A so this language is likely in reference to only conditional uses that are permitted in the R-5A district, such as nursing homes. Recommend verifying the intent. If that is the intent, as Section 161.22 lists dumpsters and recycling bins, those should be listed here as well.

***161.22 includes a prohibition in R-5A, however, it specifies “except as otherwise permitted in this resolution.”***

- b. Section 134.03 Trash Receptacle and Dumpsters: Instead of "receptacle" recommend use of "container" as it is used elsewhere. Additionally, trash containers and dumpsters should be listed as accessory uses and listed in Section 134.04 instead. Also, recycling bins are not listed here but are in the CB district. Recommend adding recycling bins.

***“Receptacle” is the term used in the chapters pertaining to APP and PPP zones. Recycling bins are not permitted in these zones.***

- c. Section 134.05 Exercise and Fitness Studios: The language "and Similar Disciplines and Related Facilities" is being removed but in the definition below for "Shoe, Leather... " the term "Other" is being added, which is general in nature and allows for interpretation, which is not necessarily improper. In other sections of the resolution the language "but not limited to" is used, which also allows for some level of interpretation. Recommend this struck through language remain. Also, the language "and Similar Disciplines and Related Facilities" remains in the LIR Schedule of Use (see Page 17).

***“Other” refers to “other electric device repair.” Similar disciplines and related facilities is listed in the LIR permitted uses and that is why this is in the schedule.***

- d. Section 134.06 Trash containers and recycling bins: Recommend dumpsters be added. This same comment applies to any other sections where trash containers and recycling bins are listed.

***“Dumpsters and “trash containers” have the same meaning.***

Chapter 135 R-5A Rural Open Residential District

- a. Section 135.02(c)(c-1): Recommend a calculation be added to limit the size of a carport (i.e. certain maximum square footage/percentage of the building footprint).

***This is already covered in the accessory use section.***

- b. Section 135.03(b)(9)(a)(2): Recommend referring back to recommendations in amendment Z 2023-01.

***Not a part of this amendment.***

- c. Section 135.03(b)(9)(i): This paragraph suggests minimum setback distances will be listed in the text that follows. Some setbacks are provided (such as side and rear) but Items (1)(a)(b), (2)(a)(b), and (3)(a)(b) do not list the front yard setbacks while (4)(a)(b) does list the front yard setbacks. Recommend the actual front yard setbacks be inserted or at minimum a reference to Section 135.03(b) should be added for clarity.

***A detached accessory building cannot be located in front of a dwelling.***

Also recommend the number formatting be corrected (change " 1" to "3") under "Lot area 2 acres to less than 3 acres"

***This is correct in the original amendment text.***

Also recommend use of a table to more easily view the setback requirements of multiple districts.

***Shown in chapter 133.***

- d. Section 135.04(i): Recommend the word "the" be removed in the title of the standard specifications for subdivision roads.

***“The” is in the title on the document provided on the County Engineer’s website.***

- e. Section 135.05(c)(2): Noting that lot size is exclusive of the road right of way area is not necessary as that stipulation is contained in the definition of "Lot Area". Recommend the proposed language be removed. This proposed language is also listed in Section 161.24(a)(l), which is not necessary. This recommendation applies to anywhere it is being added to the resolution.

***The regulation makes it clear to the user that “lot area” does not include the area in the road r/w.***

Also recommend " lot size" be changed to "lot area" to match the definition of "Lot Area" in Chapter 105. Recommend a review of the zoning resolution be done for use of "lot size" versus "lot area".

***“Area” and “size” are equivalent terms.***

- f. Section 135.07(1): No less than six feet in height is standard for installation of evergreens. However, walls and fences are subject to the same minimum height, so it will allow for a wall or fence to be higher than six feet, which is likely not the intent; there is no maximum height specified for a wall or fence and should be. Recommend this language be reconsidered. This comment applies to anywhere this language is being changed in the resolution.

***This is a condition for a private school play area.***

- g. Section 138.08(4): In consulting Geauga Public Health, no minimum isolation distances are listed for cemeteries. When none are specified, a fifty (50) feet minimum is required. Recommend the 200 feet setback be reconsidered and the Township consult Geauga Public Health.

***A township has the authority to require a minimum setback to promote public health, particularly since GPH apparently has none for a water well.***

**Section 143 CB Convenience Business District**

- a. Section 143.02(a) Exercise and fitness studios: Recommend same comment in Section 134.05 (page 10). Also, while the language "and similar disciplines and related facilities" is proposed to be removed here, it is still contained in Section 155.02(a) of the LIR district and Section 134.09, Schedule of Uses. Recommend this be reviewed again by the township.

***The LIR zone may be less restrictive than CB.***

- b. Section 143.02(a) shoe and leather. . . : Recommend referring to comment in Section 134.05 (page 10).

***This refers to "other electronic devices" only.***

- c. Section 143.03(b): lot width is listed but not frontage but in the Professional Office District and Light Restricted Industrial districts both lot width and frontage are listed. This should be reviewed as all three are non-residential districts and should be treated similarly.

***Lot frontage is specified in the P-O zone.***

**Section 155 LIR Light Industry Restricted District**

- a. Section 155.01: Recommend a definition of "light industry" be added to the Chapter 105 Definitions.

***LIR zone permitted uses listed in the zoning resolution define what is allowed.***

- b. Section 155.03(b): A 40% maximum lot coverage which requires 60% greenspace is high, but it is up to the Township. This comment applies to the other non-residential districts.

***40% lot coverage has been in the zoning resolution, for example in CB, without creating issues. Lot coverage is also important when considering, for instance, stormwater runoff and groundwater protection and recharge.***

- c. Section 155.03(d): Concern with enforcing how to accurately calculate average finished grade, as the definition states it is the mean elevation along the perimeter of any building or structure. Recommend revising to a more straight forward method of measurement; possibly, as measured to the highest point at the principal front of the building from finished grade. This comment applies wherever this change is proposed in the resolution.

***Measuring at the perimeter and determining a mean elevation is more appropriate in LIR.***

- d. Section 155.04(a): The new language related to platting an industrial subdivision is not completely necessary but is fine to include it. Be aware of exceptions in Ohio Revised Code 711.001 for private streets serving industrial structures.

***Subdivisions must be platted per R.C. 711.001.***

- e. Section 155.04(k): "established finished grade" is different language from "average finished grade" referenced in the definitions. Recommend revising.

***This regulation is related to measuring chimneys, towers, etc. so an average isn't appropriate.***

#### Section 161 General Provisions

- a. Section 161.11(a)(7): Recommend language be added to clarify this is in regard to permanently sited generators.

***The section cited doesn't pertain to generators.***

- b. Section 161.22: Dumpsters are listed in the text below so recommend it be added to the title.

***The text addresses dumpsters or containers. They have the same meaning.***

- c. Section 161.22(b): The language "and the like" infers only recycling of apparel related items would be permitted. The intent is likely not to prevent a small outdoor recycling container (i.e. the size of a garbage can), but it could be interpreted or enforced in that manner. Recommend this be reviewed to verify the intent.

***Size isn't regulated.***

- d. Section 161.23(b)(2): Recommend the chart that contains this information also include the plant height/caliper/size at planting and maturity, as some plantings may not be sufficient for screening.

***This regulation isn't meant to solely address screening.***

- e. Section 161.23(d)(2): While the landscape plan will be prepared by a landscape professional in 161.23(a), recommend the Township include language about hiring a landscape architect or other landscape professional on retainer, to be paid for by the applicant, to review such plans that may necessitate review beyond the expertise of zoning. Landscape installations can be extremely involved and this extra step, when needed, will benefit the Township. (Comment applies to sub-items 3 and 5 as well.)

***This is addressed in 109.04.***

- f. Section 161.23(f)(1): Item 2 mentions if the season of the year makes it impractical to replace dead or diseased plantings, then a planting schedule shall be submitted. The same should be required for when the landscaping is initially installed as a final inspection will not always coincide with the planting season.

***There is no item 2 in (f)(1).***

- g. Section 161.24(a): Much of the language in Subsections a, b, c, and d are already defined in Chapter 105 Definitions or the district regulations. Recommend the Township consider the necessity for duplication; focus language in this section regarding the figures that explain measurements.

***The text was carefully drafted to correlate with the figures. All pertinent information may be found in one section.***

Section 173 Signs

- a. Section 173.08(g): Recommend removing "General Advertising". See comment in Chapter 105 Definitions regarding "Sign, General Advertising"

***“General Advertising” signage is prohibited.***

- b. Section 173.08(t): See comment for "Temporary Real Estate Sign" in Section 173.

***This section relates to holiday decorations/signs.***

- c. Section 173.09(m): This and other language is not content neutral. Recommend the Township review the Geauga County Model Township Zoning Resolution, as amended for content neutrality.

***The section cited is not being amended.***

- d. Section 173.1 l(c) These types of structures are traditionally regarded as signs. However, as content cannot be regulated, consider treating these as accessory structures with applicable regulations.

***These are three dimensional objects – the regulation is being deleted to prohibit them.***

In their motion, the board specifically cited to review the 40% maximum lot coverage, consider use of a table to list setback requirements, and that the landscaping section is not reasonable.

***Already addressed separately hereinabove.***

Ms. Sass Benza stated that if the Zoning Commission can determine that the members all had an opportunity to review the planning commission’s recommendations and can attach it to the minutes and indicate that everyone has had an opportunity to review it and we are considering it during the course of this public hearing. She said she appreciates that the township’s zoning consultant has gone through and noted an analysis point by point of that so procedurally that would be her recommendation, her thought was to not go through and read the planning director’s recommendation verbatim but indicate that we have considered it and then we need to put a summary into our minutes in terms of the public hearing so she thinks we should summarize that this is an amendment that encompasses those chapters and then list the chapters and as we talked about before go through to the end of the zoning resolution and along the way you tweak and you modify and you just keep going.

Ms. Sass Benza continued by saying it is a living document so this particular amendment does just that, it continues the cleanup of some of the things that as Bainbridge grows and develops, the issues that our zoning department sees in the real world and these are the things that we need to address so with those chapters having been presented that is the summary that she would offer.

Ms. Walkush said she agrees.

Ms. Sass Benza said with the comments in support of it she thinks we are very fortunate in this township to have an amazing analytical planner who guides us and she appreciates that insight and she would defer to the process and the substance.

Ms. Walkush said she would add that Mr. Dietrich's review of Ms. Crombie's letter to the Zoning Commission is quite lengthy and the comments are well thought out.

Mr. Dietrich said he appreciates that and we did go through prior updates but this may be the biggest amendment the township has ever done and Mr. Averill looked at all of it with our legal counsel and feels that this is really going to help him tremendously so it cleans up and clarifies things and added that no other townships have done this.

Ms. Walkush said people don't know how important zoning really is and additions and modifications all of the time are important.

Ms. Sass Benza referred to the public hearing and said those are her comments in favor of recommending the amendment as is with no modifications so she thinks we need to close the public hearing, take action on what the recommendation would be to the trustees and then we have to recess for another public hearing, that is the cleaner way to do it.

Ms. Walkush solicited comments for the proposed amendment: See Ms. Sass Benza's comments above.

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

Mr. Tutolo moved to close the public hearing.

Ms. Sass Benza seconded the motion.

Vote: Ms. Sass Benza, aye; Mr. Tutolo, aye; Ms. Walkush, aye.

The public hearing was closed and the regular meeting was reconvened at 6:25 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-2025-2 to the Bainbridge Township Zoning Resolution which is an amendment to Chapter 105 – Definitions; Chapter 109 – Zoning Inspector; Certificates and Enforcement; Chapter 117 – Board of Zoning Appeals; Chapter 133 – Schedule of Dimensional Requirements; Chapter 134 – Schedule of Uses; Chapter 135 – R-5A Rural Open Residential District; Chapter 139 – R-3A Rural Residential District; Chapter 140 – Active Public Park District; Chapter 141 – Professional Office (P-O) District; Chapter 142 – Passive Public Park District; Chapter 143 – CB Convenience Business District; Chapter 155 – LIR Light Industry Restricted District; Chapter 160 – Establishment of Riparian Setbacks; Chapter 161 – General Provisions; Chapter 173 – Signs without modifications.

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

Vote: Ms. Sass Benza, aye; Mr. Tutolo, 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)

### Proposed Zoning Amendment Z-2025-3

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

Ms. Sass Benza seconded the motion that passed unanimously.

The regular meeting was recessed at 6:26 P.M.

### PUBLIC HEARING

Ms. Walkush, Chair called the public hearing to order at 6:26 P.M.

Zoning Commission members present were: Ms. Sass Benza; Mr. Tutolo and Ms. Walkush.

Proposed Zoning Amendment Z-2025-3 proposes to amend the Bainbridge Township Zoning Map that would rezone parcels in the MUP District located in the southwest corner of the Township to CB (Convenience Business District) except for the Geauga Lake Development area, and the parcels that are owned by the City of Solon in Bainbridge Township from Rural Open Residential (R-5A) to Active Public Park District (APP).

Ms. Walkush noted that the public hearing was duly advertised in the News Herald on June 13, 2025 and has been available for public examination and review at the township zoning 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 recommendation of the Geauga County Planning Commission in a letter dated June 10, 2025 in which the Planning Commission recommended approval of the proposed amendment as follows:

Responses from the Zoning Commission are in ***Bold Italics***.

A recommendation was included that if the re-zoning is approved, for the Township to submit a text amendment to update the zoning district boundary descriptions.

***There are no existing zoning district boundary legal descriptions in the zoning resolution for any zoning district. Such descriptions are not required by the ORC. As a result, no “update” is necessary.***

Ms. Sass Benza stated that the township expected a lot more cohesive development in the area, not just on the Geauga Lake property but in the surrounding properties as well. She said she thinks the vision was that this was going to be the corner hub for developed nostalgia attractions and she doesn't think that has panned out as originally anticipated and because of that it is just not working.

Mr. Dietrich stated that it is not working and this is for the outparcels on Rt. 43 so CB is much more straightforward with what is left for redevelopment minus of course the Geauga Lake property with the consent judgment entry.

Ms. Sass Benza said the judgment entry will take precedent over the MUP.

Mr. Dietrich said he thinks it will work out much better for everyone involved.

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

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

Mr. Tutolo moved to close the public hearing.

Ms. Sass Benza seconded the motion.

Vote: Ms. Sass Benza, aye; Mr. Tutolo, aye; Ms. Walkush, aye.

The public hearing was closed and the regular meeting was reconvened at 6:31 P.M.

Mr. Tutolo moved the adoption of the following motion.

That the Bainbridge Township Zoning Commission recommend the approval of the following proposed zoning amendment Z-2025-3 which proposes to amend the Bainbridge Township Zoning Map that would rezone parcels in the MUP District located in the southwest corner of the Township to CB (Convenience Business District) except for the Geauga Lake Development area, and the parcels that are owned by the City of Solon in Bainbridge Township from Rural Open Residential (R-5A) to Active Public Park District (APP) without modifications.

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

Vote: Ms. Sass Benza, aye; Mr. Tutolo, 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. Bainbridge Township Board of Trustees Meeting Minutes, dated May 12, 2025; May 12, 2025 (Special); May 27, 2025.

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

Mr. Tutolo seconded the motion that passed unanimously. The meeting was adjourned at 6:37 P.M.

Respectfully submitted,

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Linda L. Zimmerman  
Zoning Commission Secretary

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Marlene Walkush, Chair

Date Approved: August 26, 2025