

The Rootstown Township Zoning Commission met in regular session on Tuesday, April 7, 2015, at 7:00 p.m. at Rootstown Town Hall.

Present: Rob Swauger, Chair
George Tishma, Vice Chair
Steve Brown
Theresa Summers
Roger Carpenter

Also present:
Stan Dannemiller, Alternate
Mark Tirpak, Zoning Inspector
Jordan Michael, Zoning Commission Secretary

Audience: Bob Stefanik

Chair, Rob Swauger, called the meeting to order at 7:01 p.m. and asked everyone to stand to recite the Pledge of Allegiance.

Rob asked if everyone had a chance to look at the previous minutes, and asked for any additions or corrections. Roger Carpenter said he had one but couldn't remember it. Rob asked for the date of the next meeting. Secretary Jordan Michael said it's May 5th. Rob asked for a motion to accept the minutes. Steve Brown made a motion to accept the minutes from March. Roger seconded the motion. Vice Chair George Tishma abstained due to his absence at that meeting. The motion was passed 3-0. Theresa Summers arrived after the vote was taken.

Rob asked the audience if they had anything to discuss. No response was heard. Rob turned it over to Zoning Inspector Mark Tirpak. Mark brought up Section 640.07A regarding appeals and variances. It states that the Zoning Inspector shall make the preliminary review for appeals and variances, and Mark said he thinks it should be the chairperson of the Board of Appeals. He and Jordan don't know what the board wants in an application. At the previous BZA meeting, an application was basically deemed incomplete for that reason. Mark said it should be the board's decision whether they have everything they need or not. Otherwise he might have to go against the board if they get called into court. Steve asked Mark if he wants the application to come back to him, as the end of the paragraph states, or change that as well. Rob said they should both be changed. Mark said if the board is deciding whether an application is incomplete, they should be the ones to review it. That way Jordan isn't thrown under the bus like he was at the last meeting. Rob asked about #6, "Any other documents deemed necessary by the Zoning Inspector." Mark said that can stay. Ultimately it should be the applicant that's responsible. George asked why this needs to be in the book when the board is making the decision anyhow. Rob said it's so the Board of Appeals will follow that direction, and so no one can say that it's not in the book.

Steve suggested to replace "Zoning Inspector" with "chair of the BZA or designated representative of the BZA" both times in that paragraph. Steve made a motion to make that change to Section 640.07A. Roger seconded the motion. All were in favor and the motion was passed 5-0.

Rob moved on to old business. Last month's proposed amendments are still under review by Regional Planning and the prosecutor's office. Theresa said she sent out emails with more research on university districts. Rob said he thinks it's a good idea and would be nice to have in place before the JEDD happens, but it's unlikely with the amount of thought it's going to take. Steve asked if this can be a suggestion for the Comprehensive Land Use Plan. Roger said they shouldn't do anything until that comes up. Rob agreed. Theresa asked if that would be an overlay district. Rob said that would be a question for Regional Planning. He added they would probably have to create the regulations themselves using bits and pieces from the information that's out there. George said the one he read about was over a year's work and there were a lot of people involved.

Rob asked Jordan if he asked the prosecutor about calling the Board of Appeals the BZA or ZBA. Jordan said he looked at every zoning resolution in Portage County. Rootstown uses BZA which is in line with all but two townships in the county. Roger asked if the amendment they just voted on needs to be sent to the prosecutor and Regional Planning. Rob said yes and would add that to new business. Theresa asked about the amendment on two-family dwellings. Jordan said it's at Regional Planning and the prosecutor's office.

Rob asked for a motion to send the proposed amendment of Section 640.07A to Regional Planning and the prosecutor's office. George made a motion, and Roger seconded it. All were in favor and the motion was passed 5-0.

Jordan handed out copies of the Donphil Holdings application to amend Section 370.03 D1. The change is to make "contractor's yard and storage" a permitted use in the Light Industrial (L-I) district. Theresa said she noticed outdoor storage is only a conditional use and asked if that is contradictory. She asked if contractor's yard and storage could instead be made a conditional use. Jordan guessed that it might include indoor storage. Rob said the reason was that the property was always a contractor's yard since before zoning. Roger said this would still permit that use throughout the district. Mark said we only have a few of those areas. This application was part of an agreement between attorneys. George said if it means indoor storage, it should specifically say indoor. Rob said he thinks they should go with the application as written. Mark suggested adding the word "indoor" to contractor's yard and storage. Rob said they would have to send that through before voting on this. Roger asked why this wasn't addressed when Wickes Lumber was there. Mark agreed that it should have been. Theresa asked if there would be any issue with outdoor storage being kept as a conditional use. Mark said no, since they're in the same section. Rob asked for a motion. Steve made a motion to accept the application to amend Section 370.03 D1, and send it to Regional Planning and the prosecutor's office. George seconded the motion. The vote went as follows: Rob-yes, George-yes, Roger-yes, Theresa-yes, Steve-yes. The motion was passed 5-0.

Rob asked to look at the township's rezoning of NEOMed. The trustees filed an application for a zoning map amendment to rezone NEOMed's property from R-2 to C-2. Rob said there cannot be residential districts in a JEDD. Mark read Section 660.03B and said an accurate legal description of the parcels to be rezoned, drawn by a registered surveyor, is required. The trustees used a map that was colored in by Mark and leaves out a parcel in an R-1 district. George asked if the trustees understood that. Mark answered yes, they said they could handle it. He thinks Regional Planning will send it back and ask for a new legal description. Roger asked what would happen if they sit on it. Rob said there are no time constraints until they vote on it. They can't include any property in the JEDD that's not being rezoned.

Roger said anything NEOMed owns should be zoned the same. Mark said Regional Planning would make recommendations rather than kick back the application. They could even table it at their meeting. If the zoning commission turned it down it would go back to the trustees. He added that Chris Meduri recommended that the trustees be the applicant. George asked how they can pass the application if it's not right. Rob asked for a motion to send the application to Regional Planning and the prosecutor's office. George made the motion and Steve seconded it. The vote went as follows: Steve-yes, Theresa-yes, Roger-no, George-no, Rob-yes. The motion was passed 3-2.

Rob said the commission needs to make a definition for shipping and storage containers. Mark explained that people could start stacking these containers and park cars in between them, because we don't limit the size, or how or where they can be put up. Whether they decide to allow them or not, it needs to be addressed. Right now he thinks it would fall under a storage building. Alternate Stan Dannemiller read some definitions he printed from online. Roger asked if it needs to be that explanatory. Mark said it would prevent someone else trying to define it. Roger also provided a definition he had found. Rob asked for a motion to accept Stan's definition of a freight container. George made a motion to add the following definition to Section 150.02-

Shipping container: An article of transport equipment that is of a permanent character and accordingly strong enough to be suitable for repeated use; it is designed to transport a number of receptacles, packages, unit loads, and overpacks together from the packing point to its final destination by road, rail, inland waterway and/or sea without intermediate separate handling of each package, unit load or overpack.

Theresa seconded the motion. All were in favor and the motion was passed 5-0. Roger made another motion to send the definition to Regional Planning and the prosecutor's office for review. George seconded the motion. All were in favor and the motion was passed 5-0.

Rob asked the commission where they would or would not like these containers. George said he wouldn't want them in R-1, R-2, or R-3. Rob said there are certain criteria with outdoor storage areas, such as screening, that will need decided if they are allowed. Jordan asked Rob if he wanted to add it to the schedule of permitted uses. Rob said yes. George said he thinks each case should be individual. Mark asked if they want to allow stacking. George said no. Stan said they could put time limits on them. Mark agreed with that idea. Roger asked if they can add a stipulation so that the containers look nice. George said they won't be able to put aesthetics in the zoning book. He asked the audience for input. Bob Stefanik said he's seen containers that look good enough to live in. He asked if they can wait to address it until it becomes an issue. Mark said it already is an issue. Theresa said a conditional use seems like a good middle ground. Steve said he'd rather not allow them. Rob said he'd like to table this so they have time to think about it. George said they could not allow them now, and review it later when they have time. He made a motion to not allow shipping containers in the township. Mark asked where he would put that in the zoning book. Jordan suggested waiting to look for a place that's appropriate to include this. Mark said it may have to go under 'incidental accessory buildings' in each section. Stan suggested defining it as a nuisance. Mark said people may claim them as an agricultural use. Rob said he would table the issue. George's motion died due to lack of a second.

Rob asked for a motion to adjourn. George made the motion to adjourn. Steve seconded. The meeting was adjourned at 8:49 p.m.

Rob Swauger, Chair
Rootstown Township Zoning Commission