



The Rootstown Township Zoning Commission met in a public hearing on Tuesday, June 2, 2015, at 7:00 p.m. at Rootstown Town Hall.

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

Absent: None

Also present:

Jordan Michael, Zoning Commission Secretary  
Mark Tirpak, Zoning Inspector  
Joe Paulus, Trustee

Audience: Vera Hamrick

Chair, Rob Swauger, called the meeting to order at 7:03 p.m. and asked everyone to stand to recite the Pledge of Allegiance. Secretary Jordan Michael handed out copies of Section 450, which was now up to date including an amendment passed in 2013. Vice Chair George Tishma asked for an updated table of contents with the list of amendment dates.

Rob asked for a motion to accept the May 20th meeting minutes. George made a motion to accept the minutes from the last meeting. Roger Carpenter seconded the motion. The motion was passed 4-0, with Steve Brown abstaining due to his absence at the meeting.

Moving on to old business, Rob said they had tabled the definition of multi-family until Mark could remind them what the issues are. Mark said the definition for attached single-family dwelling turns it into a duplex. George asked Mark if he had a recommended definition. Mark said no, but people have had questions pertaining to this, and it allows people to build a duplex in a single-family area. Roger said the definition is contradicting what a single-family dwelling should be, and asked why the definition is needed. Rob said it would apply to a mother-in-law suite. Mark said he wouldn't have a problem if it didn't have a separate entrance and a separate heating system. A mother-in-law suite should use the same entrance; otherwise the owner could apply for a second address. George asked if they can specify that in the definition. Rob suggested removing a portion of the definition altogether. Trustee Joe Paulus said there should be something to distinguish 'attached

single-family' and 'detached single-family'. Mark said both of those are permitted in Section 320.04. Rob said that would apply exclusively to a planned residential development (PRD).

Mark asked Joe if homes in Marsh Creek are attached or detached. Joe said they are detached on his street. He doesn't know how that went through. George read the definition for two-family dwelling. Roger said he doesn't understand why there are so many definitions for dwellings. George read the definition for dwelling unit. Mark pointed out that you can attach four dwelling units together in a low-density R-1 district. Joe said that defeats the whole purpose of low density. Mark said he just doesn't understand the section on planned residential developments. Rob said it started when a development was planned for Tallmadge and New Milford Road, under the power lines, with single and multi-family dwellings. Mark asked if it was made to adapt to Muzzy Lake. Rob said no. Joe said it looks like it was made to allow high density in a PRD, to fit more houses on smaller lots. Mark said it contradicts zoning which requires each dwelling unit to be on a separate parcel.

Mark turned to Section 310.03. PRDs are a permitted use in an R-1, not a conditional use. There is no review. Rob said there's a lot more that goes into it, such as putting streets in. Mark said that's with the county, but there's no hearing with the township. Steve said Chapter 620, Development Plan Review, is quite a lengthy process and includes review from the township. Mark said they can't be turned down if it's not a conditional use. Theresa Summers said PRDs should be changed to a conditional use. George asked why it would be permitted in the O-C (open conservation) district. Rob said Heron Creek might be in an O-C district. Mark asked if that came before the zoning commission. Rob said it did not, because they met the county's standards. Mark asked how they got zoning approval in the first place. Rob said he doesn't know. Joe said a lot of this is generated from the comprehensive land use plan, which identifies areas for residential development. Mark said these developments should still come before the board. Joe agreed. George made a motion to change Section 310.03-A6, planned unit residential development, from permitted use to conditional use in O-C, R-1, R-2, and R-V districts, and to send this change to Regional Planning for review. Roger seconded the motion. The vote went as follows: Steve-yes, Theresa-yes, Roger-yes, George-yes, and Rob-yes. The motion was passed 5-0.

Mark said Schedule 320.04 should still be changed to conditional use too. George asked if they want a maximum number of units permitted to be attached. Rob said they have to use a formula to determine density. Mark said the formula might allow for six units, but the schedule only allows four in R-1. Theresa made a motion to change Section 320.04 A, B, and C across the board, to conditional use instead of permitted, and to send the change to Portage County Regional Planning. George seconded the motion. The vote went as follows: Steve-yes, Theresa-yes, Roger-yes, George-yes, and Rob-no. The motion was passed 4-1.

George asked what should be done about the definitions for single-family. Mark said that's been taken care of since it was only addressed in the section they just changed. George said he still doesn't like the definition. Joe said don't leave it up to the Zoning Board of Appeals. Rob asked for a motion to change item 53, "dwelling, attached single-family". Theresa asked if the definition should specify only one entrance. George said anyone can have a single-family home with two doors. George made a motion for the definition to read:

"DWELLING, ATTACHED SINGLE-FAMILY: A dwelling unit designed and used exclusively by one (1) family."

Roger seconded the motion. All were in favor and the motion was passed 5-0. Joe asked what is attached to the dwelling in this definition. Rob said it would be a mother-in-law suite in his eyes. Roger said another living space. Joe said it doesn't say that in the definition and asked what the difference is now between attached single-family and detached single-family. The definition has nothing being attached to it. George asked if mother-in-law suite can be put in the definition. Stan Dannemiller said the nice thing about the definition is that it specifically defines it as one family, which means it isn't a duplex. George said they have to get rid of the individual heating and plumbing. Rob asked George to amend his motion. George amended his motion for the definition to read:

"DWELLING, ATTACHED SINGLE FAMILY: A dwelling unit designed and used exclusively by one (1) family that is attached to other dwelling units in contiguous side-by-side groupings, which are physically attached to one another by common or adjoining vertical walls without openings extending from the basement floor to the roof."

He also added to send this to the Prosecutor and Regional Planning. Steve seconded the motion. All were in favor and the motion was passed 5-0.

Rob said they need to change the proposed definition of shipping containers to include storage containers. Secretary Jordan Michael said he received a recommendation from Regional Planning but not Chris Meduri. Regional Planning included suggestions on how to address shipping containers, but the zoning commission has already taken care of that. Rob pointed out that Stan had made the original motion and amended it. Stan said that was the 30-day time limit in Section 230.06, not the definition. Rob asked for a motion to add storage containers to the definition of shipping containers. Roger asked if there was any more discussion on rental containers. Rob said it was discussed that the 30-day time limit would cover those as well. Roger made a motion to change "shipping container" to "storage/shipping container" in the proposed definition. George seconded the motion. All were in favor and the motion was passed 5-0. Jordan said that would go to a public hearing next.

Rob asked if the zoning change for NEOMed came back from Regional Planning. Jordan said yes. That can go to a public hearing too, along with the one for Wickes Lumber. Roger said there was also one about review of variance applications. Theresa said they were suggested to talk to the Zoning Board of Appeals about that. She also mentioned Regional Planning's input about rezoning NEOMed, that the C-2 district does not cover multi-family or dormitory use, and said that could be addressed later when they create a university district. Mark said as long as they rent it to students, they're fine. If residential became a permitted use there, they could rent it to anyone and make money off of it. The college might like to be able to do that if they have units available. He suggested not to address it later to allow residential use. Theresa asked if they could make it be exclusively for students. Joe said they cannot specify who can live there. Theresa asked if the dorms are classified as non-conforming. Mark said no, they would be an accessory use to the school. Rob said Regional Planning also suggested to add a parcel to be re-zoned. Joe said that parcel includes a university building on it. Roger asked about making multi-family a conditional use in C-2. Mark said that would affect all C-2 districts, not just NEOMed. Stan

asked what the advantages and disadvantages are of doing that. Mark said conditional uses are decided by the Zoning Board of Appeals, not the Zoning Commission. He added that the apartments were built in the C-2 district and do not need rezoned.

Rob asked for a motion to change Portage County Regional Planning's recommendation for the NEOMed rezoning. Roger asked where else NEOMed owns land and if anything else needs rezoned as well. Steve said we saw a list of addresses back in April. Mark said those were the property owners within 500 feet of the campus. Joe said NEOMed owns property on Tallmadge Road but under a different name of ERS. They are paying property tax because people are still living in those houses. Micro Mold is exempt because it is used for purposes of the university. They're land banking to sell to a developer, and the area there is zoned V-C which is a commercial district. Mark said there is also a parcel zoned R-1 that is being re-zoned. Rob said he agrees with Roger but that cannot be done tonight. He asked again for a motion. Theresa made a motion to add parcel #32-028-00-00-021-000 to the C-2 district for consistency with the rest of the NEOMed campus. George seconded the motion. All were in favor and the motion was passed 5-0. Joe expressed concern with one of the motions made tonight, saying to accept something from Regional Planning. These amendments come from us and are sent to Regional Planning. They are providing a recommendation which does not need to be part of the motion.

Rob listed the items eligible for a public hearing: contractor's storage yard to be a permitted use, change to variance request submittal, add definition of shipping containers, and NEOMed rezoning. Rob asked for a motion to schedule a public hearing on these items at the next regularly scheduled meeting in July. Steve made the motion and Roger seconded. The vote went as follows: Steve-yes, Theresa-yes, Roger-yes, George-yes, Rob-yes. The motion was passed 5-0.

The public hearing scheduled for tonight was opened. Rob asked for any questions from the audience on the definitions. Joe had a question about Section 310.08 D, regarding siting requirements for dwellings. #5 of that section adds that residential lots shall be landscaped consistent with Section 430. Section 310 is a residential section but Section 430 is meant for non-single-family uses. Mark said that amendment would only apply to two-family or multi-family dwellings. Single-family dwellings would not have to comply with Section 430 because the section does not pertain to them. Audience member Vera Hamrick had no comments regarding the public hearing. She said she previously owned a single-family dwelling that had two additions and three entrances, and joked that the additions are now a mother-in-law suite and father-in-law suite. Mark said that's fine as long as it's family.

Rob asked for a motion to send these items to the trustees: Section 150.02 B, Section 230.06 C, Section 310.08 D, Section 310.09 C, Section 310.13, Section 350.03 A, Section 370.04, Section 370.07, Section 410.08, and Section 390.06 W. Steve made a motion to send those items to the trustees. Theresa seconded the motion. The vote went as follows: Steve-yes, Theresa-yes, Roger-yes, George-yes, Rob-yes. The motion was passed 5-0.

Theresa said she and George drove through Muzzy Lake and Sandy Lake. George said he was surprised at how attractive it looked. The homes are close together and there's no

setback from the road. Theresa said she doesn't know the engineering aspects and flooding issues, but the appearance was nice. Roger asked what that has to do with the health and safety of the area. George said nothing, but he was under the impression that the area was a detrimental look to the community. Theresa said she feels a need to create a lake district, because she doesn't see how they can have the same regulations for boats. Mark said it looks more cluttered in the fall. Theresa said she expected to see run-down areas that were not well-maintained. She asked if they each have an association. Joe said it's a corporation that owns the land. Theresa asked if it's true that the homeowners are buying the land. Rob said if they sell the land to the individual owners, they're never going to comply with zoning. George asked how it ever got out of control. Joe said they were there before zoning, and the homes were just cottages so no one lived there year-round. Mark said he has covered the township by sending non-conforming certificates to each corporation, acknowledging that every house is nonconforming. Theresa asked how this is different to two-family dwellings regarding the ability to rebuild. Rob said two-family dwellings meet the zoning requirements, but Muzzy Lake does not. Mark asked if they want to come work with the commission to create a lake district. Joe said they haven't shown any interest. Stan asked what happens if each big parcel gets broken up into smaller ones. Mark said zoning can't approve that right now because it wouldn't comply. The homeowners still have to go before the ZBA. The last applicant was denied by the county, but they appealed it to the appeal board of the county, and they granted it. Two weeks from today, there will be another case. If the ZBA turns them down, they'll have to appeal to the court before it would get to the county. George asked if the board gives a reason for denying something. Joe said yes, the board has to have a reason.

Joe asked if everyone got the update to Chapter 450. Jordan said it's in everyone's book. Rob said they have it except for the index. Joe pointed out a conflict between 450.02 D and 450.03 D. One is for non-conforming structures, the other for non-conforming uses. 450.02 D was changed and 450.03 D is now in conflict with it. A non-conforming structure can be replaced 100% if destroyed, but a non-conforming use cannot be replaced if destroyed by more than 50% of its value. George said they wanted to protect the houses on Lynn Road. Joe said if a house burns down on Lynn Road, where it's zoned commercial, the house can be rebuilt but would have to be used as commercial. George said he understands the issue but has compassion for people who want to sell their home.

Joe said he has the laptop for the Zoning Commission. It's running updates and he's putting antivirus software on it. Rob said to give it to Jordan. It will be kept in the zoning office.

Jordan handed out information on zoning districts for parks. Mark said parks are currently a conditional use and should be changed to permitted use, but the park board should have a say in what goes on. Rob said this will help them with getting park grants. Roger asked how many are on the park committee. Joe said about a dozen. It's open to the public. Joe said the park plan might have to go before the Board of Appeals for approval. Mark said if they change the use from conditional to permitted, or specify that public parks are governed by the park board and private parks are still a conditional use, then he can issue zoning permits for the township park and go through the park board instead of the zoning board. Roger asked about Gracie Field. Mark said that would be considered a public park, and

asked Joe if it is leased by the trustees. Joe said he hasn't found a lease for it. There is a lease for the concession stand. Mark said if you just put that there is a park board that can make decisions for the township, then there's grants available. It just needs to be cleared up.

Steve made a motion to adjourn the meeting. George seconded. The meeting was adjourned at 9:12 p.m.

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Rob Swauger, Chair  
Rootstown Township Zoning Commission