

The Rootstown Township Zoning Commission met in regular session on Monday, November 17, 2014, at 7:00 p.m. at Rootstown Town Hall.

Present: Karen Henry, Chair  
George Tishma, Vice Chair  
Rob Swauger  
Steve Brown  
Theresa Summers, Alternate

Also present:  
Trustee Joe Paulus  
Zoning Inspector Mark Tirpak  
Zoning Assistant Jordan Michael

Audience: See attached list

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

Karen asked if all members had a chance to read the minutes from the previous month. Vice Chair, George Tishma, made a motion to accept the minutes of the last meeting. Steve Brown seconded. The motion was passed 5-0.

Karen asked if all members had a chance to look at what they received from Regional Planning. There was time spent reading reviews of the zoning amendments.

Karen asked the audience member if he had an issue to present to the board. Dave Conroy introduced himself and expressed his concern with a neighbor who runs a "rescue for dogs" on his property. He says they have a kennel license but do not operate as a kennel. He estimates 60 dogs live there, some of which are pit bulls, and the owners do not like to keep them contained. George asked Dave if he had talked to the zoning inspector yet. Dave said he hadn't. Zoning Inspector Mark Tirpak asked where this is located. Dave said it is on Kline Road. George asked if this is a planned community. Dave said it isn't. He said a pit bull had gone after his wife and he called the dog warden. The dog warden directed them to the ODA, who regulates kennels. Apparently the kennel laws don't have any teeth. George asked if this falls under the nuisance law in Section 230. Mark said it's not a nuisance if they have a kennel license. George said it's a nuisance if the dog attacked him. Mark said that wouldn't be a zoning issue. Rob Swauger said there was a state law for dangerous dogs, but Ohio overturned it. Theresa Summers asked if there are rules regarding where kennels are or aren't permitted. Dave said Janet Esposito is looking into revoking the kennel license.

George asked how big the kennel is. Dave said there is no defined kennel, just some fenced in areas. Trustee Joe Paulus says some people get kennel licenses because it's cheaper than individual dog licenses for that many dogs. George asked where the dogs live. Dave said they're kept in the basement. Joe suggested he call the health department if he can smell the dogs. Dave said the neighbors have called the health department on them. George said there's not much the board can do if these people have a license. Mark said there's nothing the township can do, it's up to the dog warden. Dave said he's fairly sure they didn't get a zoning permit for the fence. Mark

said that's something he can address. Karen asked if the dogs were ever taken to other homes. Dave said he doesn't know what is done with the dogs. They've had three litters of pit bulls this year. Theresa asked if there might be legislation to monitor kennels, and asked Dave if he'd called his representative. Dave said he hadn't, he is in touch with the dog warden and has put in a surveillance system. Karen apologized for not being of much help and thanked him.

Karen asked if everyone had read the handouts given by Zoning Assistant Jordan Michael. She asked for comments from the commission. Rob said it looks like they don't want to allow a zero setback. George said if the prosecuting attorney says not to do it, then it probably wouldn't hold up in court and he doesn't seem to think it's in the best interest of the township. George asked how long this has been in effect. Rob said the section was last revised in 2002. Theresa asked if the letter addressed parking in the side yard. Rob said they want it to be brought to the Board of Appeals, case by case. Joe said the legal counsel can't say yea or nay, so the letter is just advising of things to take into consideration. He then said he agrees with Regional Planning, because requiring a fence on the property line has led to issues before. People might not have permission to go in their neighbor's yard if work needs done on that side of the fence. George said that could be an issue with driveways too. Theresa asked if they can still allow parking on the side, like they were going to. George asked how anyone could get an RV into a five-foot space. Joe said that five-foot space is the setback. Mark said that still leaves a five-foot space for houses built ten feet from the line, and that's not enough room to put in a driveway. Joe said people will just have to sell their RV or store it somewhere. George said he stores his boat and wouldn't dare keep it in the front yard where the neighbors have to look at it. Mark said this was all started by a pontoon boat which was parked in the back of a house and met setbacks, but wasn't on gravel or concrete. Rob asked if the Zoning Board of Appeals received the same documents from the prosecutor and Regional Planning. Mark said no, they can't take anything but the zoning resolution into consideration. Because they're a legal hearing, it has to be what's presented to them and their feelings on what's written in the book. George asked Mark for his opinion. Mark said his opinion is based on what the book says also. George said they're not bound to make any changes.

Rob made a motion to rescind, based on legal counsel and Regional Planning, their resolution for zero setback and revert back to the old zoning requirements from Schedule 310.09 F. (The motion was not seconded or brought to a vote.) Mark asked if passing that motion would bring the violations back in effect. Joe said yes, unless the commission changes the rule to allow parking in the front. Theresa asked if this affected lots that are more than one acre. Mark said no. He and Jordan confirmed that Schedule 310.09 F is the correct section. George said the side setback would go from 0 feet back to 5 feet. Theresa asked if they still want to keep parking in the rear yard. The commission said yes. Mark said they can still use the driveway for 48 hours to load and unload. George asked if they can still remove the length requirement (currently 24 feet maximum). Karen said 24 feet is pretty small nowadays. Rob said they can go in front of the Zoning Board of Appeals if they have a longer camper. George asked what would happen if someone is willing to park theirs in the back yard but it's longer than 24 feet. He doesn't want somebody to pay the cost of a variance if they're otherwise going to comply with everything. Joe said anyone with more than an acre is already allowed a vehicle over 24 feet. He then asked the commission if they're still interested in differences between smaller lots and larger lots. Rob asked if removing or changing the length requirement would mean sending another proposed amendment to Regional Planning. Mark said he believes so, but they had already proposed to change that and Regional Planning

didn't comment on it. Theresa asked if there are any regulations at all for lots over one acre. George said they still have to park in the back yard. Mark said they still have to meet setback requirements. Theresa said Regional Planning seems to only have an issue with the side setback, and she feels large lots should be okay to have parking in the side yard. Mark said the proposed amendment would allow for that, and they can choose to keep it.

Joe pointed out a contradictory statement in the proposed amendment. Mark said it was an error made by Regional Planning. Joe said the trustees would base their decision on this because they didn't receive an original copy from the zoning office. Jordan offered to get an original copy of the proposed amendment for Joe. Mark said if Todd Peetz messed that up, it's all the more reason not to go with Regional Planning's suggestions. George said he likes the guidance from Regional Planning but it doesn't mean they have to take it. Joe pointed out that the proposal no longer prohibits connection to gas and electric. Regional Planning approved of the 24-hour time limit for connections to telephone, water, sewer, or fuel source. Joe said he's trying to play devil's advocate when he reads the proposed changes. Jordan handed out original copies of the proposal as it was sent to the prosecutor and Regional Planning. Mark figured out that Regional Planning omitted the addition of side yard parking from their version of the proposal, and said their review is comparing apples to oranges. Theresa asked if their only problem is with setbacks and if the commission can otherwise present it as is. Mark said that's right. George said he likes the 5 foot setback. Mark said Ohio fence law is right on the line so that's out of our control. Even if the fencing requirement is removed from the proposal, someone can still put up a fence there and he would have to issue the permit. He asks people to put their fence 3 feet off of the line so they can maintain both sides, but they can't be forced to.

Rob asked to come back to his motion. They're going to revert back to the old zoning regulations, excluding Section 310.09F, in the current zoning code. George said they added a change to allow parking in the side yard. The commission wants that change, and the current zoning code doesn't include that. Mark said the group seems to want the schedule to stay the same but make changes to Section F. Karen and George agreed. Joe said the schedule still needs changed to permit side yard on #4 (outdoor storage of recreational vehicle). Side setback also needs to be reduced to 5 feet on the schedule. Rob addressed Section F and said to remove the 24-foot length requirement on #1. On #2 Karen said to add side yard, and that the vehicle shall not protrude beyond the front of the dwelling and must comply with rear setback requirements. Joe said site setback requirements should also be included on #2. Mark asked if they want to keep the fence requirement. Joe said the five-foot setback for RVs still applies even if a fence is put on the property line. Mark said the whole purpose of adding the fence requirement was because they were allowing RV parking up to the side property line. George said he worries about the aesthetics of someone looking at a boat or RV on the side of their neighbor's house. Joe noted the "non-see-through fence" is better wording than "adequate screening". Mark said there would have to be specification on how long the fence should be. Joe agreed and said otherwise a 20-foot boat could be screened by a 4-foot fence. Rob asked if they should use the term "adequately screened", and require 10 feet longer than the RV, which would mean 5 additional feet of fencing on each side of the vehicle. George asked why they're going to make anyone put up a fence if they're already requiring a 5-foot setback from the property line. Joe said that way a neighbor on their front porch doesn't have to look at someone's rusty RV. George said the RV already has to be maintained and in good operating condition. Joe said a 15-foot camper can still be seen over a 6-foot fence. Theresa asked if they're better off not requiring a fence.

Mark answered that the neighbor can put their own fence up if they don't like what they see.

George said he agrees that someone with a big enough side yard to park an RV should be able to do so, but with a fence. Mark asked what if someone has 100 feet of side yard and parks a vehicle there, does that really require a fence? Theresa said she doesn't think they should make someone put up a fence if they have a half acre of land beside their house. Rob said the only other option is to put it from the entire property depth. Joe said the fence proposal doesn't specify that it must be built next to the paved or gravel surface. Rob then suggested getting rid of the fence requirement. This would remove #2A from Section F on the proposal. Rob asked Joe if he will still make his decision using Regional Planning's document. Joe said he will not, now that he has the original document from the zoning commission.

On #3, George asked to not allow connections to electric. Mark said the commission decided against that to allow people to charge their batteries. Rob asked Jordan to read the changes back for everyone, for the full proposal. Mark offered to read it, keeping in mind the schedule does not include equipment even though the section does. Rob said that throws another wrench into it. George said there's a trailer in his development that has been parked on the street for years. Rob said they talked about making a definition for equipment. Joe said much of Section F specifies RVs, boats, and campers and doesn't even address equipment. Rob said maybe trailers should be included in the schedule as well. Theresa said a lot of people bring their work vehicles home and park it in the driveway, and asked if they wouldn't be allowed to do that. Joe said he doesn't think that's the case. Mark looked up a definition of equipment: devices, machines, or vehicles; tangible property that is not buildings. George said there's a difference between someone who takes a trailer to work every day and parks it in the driveway, and someone who parks a trailer on the street and leaves it there for three weeks. He asked if they can specify trailers that aren't connected to anything. Joe said nothing is stopping anyone from storing their work trailer on their driveway. Theresa said the rule is about parking, not just storage. Joe said they should focus more on the intention of the rule rather than nitpick something like a 48-hour limit. Mark said under normal circumstances he wouldn't be overly concerned, but he knows there will be people who still cannot comply with the new rules and will bring this back to square one. Joe said this is all due to a lack of enforcement, and there is a lot of lack of enforcement that needs to be squared away. If a rule is not being enforced, does it need to be enforced, or does it not need to be there at all? He feels people should be able to have RVs in a rural community but doesn't want to see someone's RV blocking the road. George said we have a growing community and don't want our neighborhoods to look like used car lots.

Joe said that the word 'equipment' needs to be included in the section as often as RVs, so that the rules pertain to both. Otherwise take the word 'equipment' out of the title. Theresa said if equipment is not included here, it needs to be included somewhere else, or else people will think the rule changes don't affect them. Joe said to keep in mind that one recreational vehicle is allowed, but not more than one. It looks to him like one RV is allowed to be parked wherever. The commission disagreed with Joe on this point. Joe said maybe he's looking at it funny and asked Mark to read everything off again. George asked for #4 and #5 of Section F to include the word equipment. Jordan said he would change the wording throughout to consistently say 'recreational vehicle and equipment'. Steve said if you look under the definitions, boats are included under recreational vehicles. Mark said to clean this up, every sentence should say 'recreational vehicles and equipment'.

Joe read the section as it is now being proposed. Mark suggested for #3 to increase the maximum connection to electric, telephone, water, sewer, gas, or fuel source from 24 to 48 hours, to be in sync with the amount of time a recreational vehicle can be parked in the driveway. Other than that the commission agreed with the way it reads. Mark said they now need to look at lots greater than one acre and see what they want. Rob said he would not make a motion regarding lots one acre or greater. George suggested that the rules be the same for both. Jordan said the only difference was the fence requirement, which has now been removed.

George made a motion to accept the changes to their proposal as read. Jordan asked where this would go from here. George said it would go to the trustees. Joe said it has to be typed up, sent to the trustees, along with the definitions and everything else being reviewed by Regional Planning. Jordan said Todd is supposed to send everything else back this week. Theresa seconded the motion made by George. Audience member Roger Carpenter asked if someone with a larger lot can still only have one recreational vehicle parked outside. Joe said it doesn't specify whether it's less than an acre or more than an acre. He can still store another one inside. Jordan called roll and recorded the votes: Karen-yes, George-yes, Theresa-yes, Rob-yes, Steve, yes.

Jordan said that no one had voted on Rob's motion. Joe said nobody wanted to second it. George seconded Rob's motion. Jordan called roll and recorded the votes: Karen-yes, George-yes, Theresa-yes, Rob-yes, Steve-yes. Mark said for the next meeting they will have to make a definition for equipment. Joe said next this is coming to the trustees, who will have their public hearing on it, but he will hold off until everything comes back from Regional Planning. He wants to get something accomplished before the end of the year. George asked if a farm can have more than one trailer. Mark said only if it's not a camper or boat. There are special rules for agriculture.

Joe asked if the commission had any information regarding Sandy Lake and Muzzy Lake. He wants to get some folks together from each lake. George said he wants to drive down there and know that he won't get kicked out, and asked if anyone else has been through there. Steve said he's been through Muzzy Lake. Joe said he hasn't been to either in a long time but he's planning on it. Joe told the members he wants both zoning boards to have a joint meeting with the trustees on Monday, December 1st. They want to get an idea of what they're going to do with the Muzzy Lake and Sandy Lake issue, come up with a game plan or something. It would start at 6 PM. Jordan offered to email Bob to let him know and asked if a newspaper notice will be needed. Joe said yes but not until he tells the ZBA.

Rob made the motion to adjourn. George seconded and the motion was passed 5-0. The meeting was adjourned at 8:42 p.m.

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Chair Karen Henry  
Rootstown Township Zoning Commission