

Chester Township Zoning Commission Meeting Minutes

| Wednesday, November 16, 2022 7:00 PM |

Meeting Called to Order by Mr. Oswick at: 7:02 pm

Roll Call

Members present: Mr. Chess, Mr. Kats, Mr. Lauro, Mr. Oswick, Mr. Peto*

Members absent: Mr. Kats, Mr. Nastasi

Admin present: Ms. McCarthy

*Mr. Peto is a voting member in the absence of Mr. Nastasi

Pledge of Allegiance

Mr. Oswick led the Committee in reciting the Pledge of Allegiance.

Proposed Chester Township Zoning Amendment Z-2022-4

Mr. Oswick gave an overview of the proposed Amendment.

Mr. Lauro read the overview, Exhibit 1 (attached to these minutes).

Ms. McCarthy read the recommendation of approval of the Geauga County Planning Commission into the record (attached to these minutes).

Public Comments

Ms. Margaret Muehling presented the Zoning Commission the following suggestions as a modification to the amendment (copy of presentation attached as 1 of 2). She agrees an increase is long overdue and the proposed increase seems reasonable.

- Distinction made with “detached” as a location word.
- “completely enclosed” describes type of detached accessory building and is essential.
- “including private garages and storage buildings per Section 5.01.02” needs to be included to accurately describe accessory buildings.
- Increase in maximum height for ALL accessory buildings seemed excessive. Increase to ALL is too inclusive.
- 4 sections in the resolution that regulate accessory buildings structure: 5.01.02, 5.01.03, 5.01.04 and 5.01.05 plus Table 5.01.17 should not have height changed unless needed.

Ms. Muehling presented documentation of the aforementioned suggestions for Zoning Commission review to highlight what the modifications might look like (suggestions for modification 2 of 2).

No other public comments were offered.

Mr. Oswick moved to close the public comments for proposed Chester Township Zoning Amendment, Z-2022-4

Moved by Mr. Peto; Seconded by Mr. Lauro

Mr. Chess/yes; Mr. Kats/absent; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/yes;

Mr. Peto/yes

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Mr. Peto concerned that “completely enclosed” would eliminate the ability to have a lean-to structure.

Mr. Oswick asked for thoughts on “gazebo and pavilions” usage. Group agreed adding the “gazebos and pavilions” would be appropriate. Phrase, “gazebos and pavilions” was added in three spots as a modification to amendment to be forwarded to Board of Trustees.

- Motion to adopt, “That the Chester Township Zoning Commission recommend the approval of the following modification to the proposed amendment, Z-2022-4 to the Chester Township Zoning Resolution, as attached hereto.” Set forth modification:
 - “gazebos and pavilions” added in three places to section 5.01.03 as show on attached
 - Insert word “floor” in last sentence of paragraph one of section 5.01.03 as shown on attached

Moved by Mr. Chess; Seconded by Mr. Peto

Mr. Chess/yes; Mr. Kats/absent; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/yes;

Mr. Peto/yes

Motion passed

- Motion to adopt, “The Chester Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number Z-2022-4, to the Chester Township Zoning Resolution together with the attached motion pertaining thereto and the attached recommendation of the Geauga County Planning Commission to the Chester Township Board of Township Trustees this 16th day of November, 2022.”

Moved by Mr. Lauro; Seconded by Mr. Peto

Mr. Chess/yes; Mr. Kats/absent; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/yes;

Mr. Peto/yes

Motion passed

Form #31 and #32 were signed for Z-2022-4.

Proposed Chester Township Zoning Amendment Z-2022-5

Mr. Oswick gave an overview of the proposed Amendment.

Mr. Lauro read the overview Exhibit A (attached to these minutes).

Ms. McCarthy read the recommendation of approval of the Geauga County Planning Commission into the record (attached to these minutes).

Public Comments

Ms. Muehling said she had no comments, but was in favor of this amendment.

Mr. Oswick moved to close the public comments for proposed Chester Township Zoning Amendment Z-2022-5.

Moved by Mr. Peto; Seconded by Mr. Lauro

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Mr. Chess/yes; Mr. Kats/absent; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/yes;
Mr. Peto/yes
Motion passed

- Motion to adopt, "That the Chester Township Zoning Commission recommend the approval of the proposed amendment, Z-2022-5, to the Chester Township Zoning Resolution, as attached hereto."

Moved by Mr. Lauro; Seconded by Mr. Peto
Mr. Chess/yes; Mr. Kats/absent; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/yes;
Mr. Peto/yes
Motion passed

- Motion to adopt, "The Chester Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number Z-2022-5, to the Chester Township Zoning Resolution together with the attached motion pertaining thereto and the attached recommendation of the Geauga County Planning Commission to the Chester Township Board of Township Trustees this 16th day of November, 2022."

Moved by Mr. Lauro; Seconded by Mr. Peto
Mr. Chess/yes; Mr. Kats/absent; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/yes;
Mr. Peto/yes
Motion passed

Form #31 and #32 were signed for Z-2022-5.

Approval of Minutes

- Move to approve the minutes of the November 2, 2022 meeting as presented.
Moved by Mr. Lauro; Seconded by Mr. Chess
Mr. Chess/yes; Mr. Kats/absent; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/yes;
Mr. Peto/yes
Motion passed

Open Items

- Next meeting will begin reviewing properties owned by Chester Twp. with potential new Zoning District designations being named (ie - Parks)
- Will also look at signage and begin discussing how we would like to move forward.

Meeting Called to Close at: 7:49 p.m.

Approved by:

Chester Township Zoning Commission December 7, 2022

Final Review by: _____
Jon Oswick, Chair

Chester Township

Z-2022-4

Exhibit 1:

Modifications to size and height of Accessory Buildings for Chester Township Zoning Resolution.

PURPOSE OF AMENDMENT:

To allow residents the ability to build larger accessory buildings as it relates to lot size. Currently, a 1,280 square foot accessory building is allowed for any and all lot sizes. To accommodate snow load of a larger building, height was increased from 15' to 20'.

WHAT ARE THE MODIFICATIONS?

Keep the 1,280 square foot size for accessory buildings for smaller lots and increasing the size of allowable accessory buildings to be 500 square feet/acre with a maximum size of a 2,500 square foot structure. Height was also increased from 15' to 20'.

WHY?

The Chester Township Board of Zoning Appeals identified the size of Accessory Buildings for larger lots may not be in line with building size allowed for smaller lots. Through recent Zoning Commission Public Hearings, it was determined the public was receptive to larger building sizes for larger lots. Those same Public Hearings also identified a need to increase garage door height to accommodate higher vehicle heights such as for an RV or sailboat. A height increase will also accommodate potential snow loads.

BACKGROUND:

After studying a sample of other Geauga County Township Zoning Resolutions, the Chester Township Zoning Commission determined that a sliding scale based on acreage was a reasonable approach.



Geauga County Planning Commission
12611 Ravenwood Drive, Suite #380, Chardon, Ohio 44024
Phone (440) 279-1740
www.co.geauga.oh.us/Departments/Planning-Commission

November 8, 2022

Ms. Kathleen McCarthy, Secretary
Chester Township Zoning Commission
12701 Chillicothe Road
Chesterland, Ohio 44026

Re: Proposed Zoning Amendment No. ZC 2022-4
Initiated on October 19, 2022

Dear Ms. McCarthy:

Please be advised that the Geauga County Planning Commission at its meeting held on November 8, 2022 voted to recommend approval of the proposed Chester Township Zoning Amendment ZC 2022-4 as initiated by Zoning Commission on October 19, 2022.

Pursuant to R.C. 519.12, the Planning Commission's recommendation must be considered by the Zoning Commission at its public hearing regarding the proposed amendment. Subsequent to the hearing, the recommendation is to be forwarded to the Board of Township Trustees. If the subject amendment is adopted by the Board of Trustees, a copy thereof must be provided to this office within five (5) days after its effective date.

If you have any questions, please contact the Planning Commission at (440) 279-1740.

Sincerely,

A handwritten signature in blue ink that reads "Linda M. Crombie".

Linda M. Crombie, AICP
Planning Director, Geauga County Planning Commission

c: Susan Wieland, APA
Amendment file

RATIONALE:

Do not be alarmed while examining the modifications presented. The modifications are in BLUE TYPE and DO NOT CHANGE the essence of the proposed amendment. However, it is necessary to include original sections from the resolution, proposed changes as sent to the GCPC, and brief modifications in order to make sense.

1. Z-2022-4 proposes to increase the amount of ground floor area and maximum height in residential districts permitted for:

- "Storage buildings used by the owner and/or occupant for keeping tools, equipment, supplies and other personal property." Section 5.01.02 H. and
- "Private garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure. There shall be no more than one (1) detached garage per lot. Attached garages shall not be considered accessory buildings." Section 5.01.02 F.

2. An increase is long overdue and the increase described seems to be reasonable. However, the following should be considered, keeping in mind that carefully describing the types of accessory buildings included in this growth is essential.

- "Detached" is a location word. Absolutely necessary but not descriptive.
- "Completely enclosed" describes the type of detached accessory buildings that are to be regulated in the proposed amendment. "Completely enclosed" is ESSENTIAL – it correctly defines and limits the accessory buildings to be covered. See "Building, completely attached."
- Continuing with "including private garages and storage buildings per Section 5.01.02," provides a mental picture of the buildings to be covered with the location of their source.
- The first modification becomes a "completely enclosed detached accessory building including private garages and storage buildings per Section 5.01.02." This accurately describes the accessory buildings to be included in the proposed amendment.
- Keep in mind: The sliding scale increase does not make reference to the existing residential districts and should take into consideration the impact these larger accessory uses will have on neighborhoods.

3. (Skip down to Section 5.01.05.) Z-2022-4 also proposes an unintended increase in the maximum height for ALL accessory buildings, structures and uses.

- It is appropriate to accompany the increase in the ground floor area with an increase in the maximum height of the storage buildings, but this increase in height is too inclusive. It covers ALL accessory buildings, structures and uses. It should ONLY include changes to the height of storage buildings which is the intent of the proposed amendment.
- There are 4 sections in the resolution that regulate accessory buildings structure and uses: Sections 5.01.02, 5.01.03 5.01.04 and 5.0105 plus a Table 5.01.17 and other references. Height occurring in these sections should NOT be changed unless needed.

- In Section 5.01.05A, the modification makes a correction returning to the language currently in the resolution: height of 35' for all principaland 15' for all accessory ... It also deletes a reference to Section 5.00.08 which is incorporated in the more complete reference "or otherwise provided in this resolution".
- The necessary correction is made in Section 5.01.05B, adding the modification:
5. Completely enclosed detached accessory buildings per Section 5.01.03 shall have a maximum height of twenty (20) feet.
- This modification limits the change in maximum height to only the accessory buildings being regulated in the proposed amendment. It is essential and reference is made to the change in the Table, Section 5.01.17.

4. (Return to the first paragraph describing the modifications.) An incidental but efficient modification includes two accessory structures that are included in Section 5.01.02, but have been omitted in the past – gazebos and pavilions – which would now be permitted attached to or less than twenty (20) feet, inserted at appropriate places.

- The proposed amendment provides an opportunity to correct a previous omission in the resolution. It is not essential to the proposed amendment.
- This clarification modification becomes, " however breezeways, decks, patios, and open-sided porches, gazebos and pavilions may be attached to or less than twenty (20) feet from the principal building."

NOTE: "BUILDING, COMPLETELY ENCLOSED" is a building separated on all sides from adjacent open space or from other buildings or structures by a permanent roof and by exterior or party walls, pierced only by windows and usual doorways.

I recommend that these modifications be adopted by the Chester Township Zoning Commission and be forwarded to the Chester Township Trustees for consideration at their Public Hearing on Z-2022-4.

Nov. 16, 2022 Modification Z-2022-4

The following is suggested as a modification to proposed Z-2022-4 as sent to the Geauga County Planning Commission. (Modification in blue; sent to GCPC in yellow, deletions strikeout.)

5.01.03 **ACCESSORY BUILDINGS.** The minimum distance from a ~~completely enclosed~~ detached accessory building including private garages and storage buildings per Section 5.01.02, to any dwelling shall be not less than twenty (20) feet, however breezeways, decks, patios, and open-sided porches, ~~gazebos and pavilions~~ may be attached to or less than twenty (20) feet from the principal building. The maximum combined total ground floor area of all accessory buildings on a lot shall not exceed one thousand two hundred eighty (1,280) square feet or five hundred (500) square feet of ground floor area per acre, up to a maximum of 2,500 square feet of total ground area, whichever is greater, not including breezeways, decks, patios, and open-sided porches, ~~gazebos and pavilions~~.

Detached accessory buildings shall be located to the rear of the principal building or structure, not in the required front and side yards, and shall be at least ten (10) feet from the rear and side lot lines, unless otherwise provided for. An accessory building shall not be closer to any street than the principal dwelling; decks, patios, and open-sided porches, ~~gazebos and pavilions~~ may be permitted in the front, rear and/or to the side of the principal building provided they meet all the applicable setbacks. Health District regulations require that accessory buildings and structure shall not be located over leach fields.

5.01.05 MAXIMUM HEIGHTS.

A. Except for the uses listed in paragraph B herein and ~~Section 5.00.08~~ or otherwise provided in this resolution, the maximum height of all principal buildings, structures, and uses shall be thirty-five (35) feet, and the maximum height for all accessory buildings, structures, and uses shall be ~~twenty (20)~~ fifteen (15) feet.

B. Special maximum heights

1. Belfries, church spires, clock towers, cupolas, chimneys, monuments, residential radio/ television antennas and water towers: no maximum height requirement.
2. Flagpoles shall have a maximum height of thirty-five (35) feet. See Section 9.04.0 E.
3. Wireless telecommunications towers and appurtenant facilities shall be in accordance with Article 11.
4. Fences and walls shall not exceed eight (8) feet in height measured from the natural ground level, excepting fences enclosing tennis courts which shall not exceed twelve (12) feet and baseball backstops which shall not exceed sixteen (16) feet.

X 5. Completely enclosed detached accessory buildings per Section 5.01.03 shall have a maximum height of twenty (20) feet.

5.01.17 Dimensional Requirements in an R District, R3A District, and R5A District (Table)

This Table would have only 1 (one) change, in the lower right-hand corner where the ROW "Accessory Buildings" intersects with the COLUMN "Maximum Building or Structure Height" ~~15 feet should be replaced~~ with "See Sec. 5.01.05". (Corrected Table follows.)

Section 5.01.17 – Dimensional Requirements in an R District, R3A District, and R5A District (Table)

(Read Columns Down)

District Uses	Minimum Floor Area Per Dwelling Unit								
	Minimum Lot Area	Minimum Lot Width and Frontage	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Ground Floor Area	Total Floor Area	Maximum Building or Structure Height	Lot Coverage
1-Family Dwelling	R District: 1 ½ Acres	R District: 150 feet	70 feet from right-of-way or 100 feet from centerline, whichever is greater	Two required, 25 feet each	50 feet	1,000 sq. ft.	0-2 Bedrooms: 1200 sq. ft.	35 feet	R District, Minimum Green Space: 75%
See Section 5.01.01	R3A District: 3 Acres	R3A District: 200 feet	Exceptions: Lots on Ward Dr. between Mayfield Rd. & Maple Dr., and on Opalocka Rd. between Mayfield Rd. & Cottrell Dr.: 10 feet from right-of-way or 40 feet from centerline whichever is greater	Corner lots: same as front yard on side street	Exceptions: Lots with less than 1 ½ acres of lot area: 30 feet, for lawfully existing nonconforming lots of record		3 Bedrooms: 1350 sq. ft.		R District, Maximum Lot Coverage: 25%
	R5A District: 5 Acres	R5A District: 250 feet	Exceptions: Lots on: Harold Dr., Marilyn Rd., Cherry Ln., Dorothy Rd., Lynn Dr., Valley View Dr., Birchwood Dr., and on Caves Rd. from Mayfield Rd. to Birchwood Dr. on east side only: 50 feet from right-of-way or 80 feet from centerline, whichever is greater	Exceptions: Lots less than 150 feet in width: two required, 15 feet each			4 Bedrooms: 1500 sq. ft.		R3A, R5A Districts, Minimum Green Space: 85%
				Lots on Opalocka Rd.: two required, 8 feet, each			5 or more Bedrooms: 1650 sq. ft.		R3A, R5A Districts, Maximum Lot Coverage: 15%
Accessory Buildings	See Section 5.01.03	See Section 5.01.03	Prohibited	See Section 5.01.03	See Section 5.01.03	See Section 5.01.03		15-20 feet See Sec. 5.01.05	

Z – 2022-5 Chester Township Zoning Amendment

Exhibit A:

Additional phrase to end of section 5.00.01 Prohibited Uses, Section A.

PURPOSE OF AMENDMENT:

To add phrase in Section 5.00.01 A, to also allow for a Use Variance request to be in compliance with ORC 519.12.

WHAT ARE THE MODIFICATIONS?

Adding the phrase, “or a variance has been granted in accordance with Article 12.” to the last part of section 5.00.01 A

WHY?

To align with Ohio Revised Code 519.12.

BACKGROUND:

Recently a property owner in Chester Township submitted an application for a Zoning Amendment seeking to change the entire General Commercial Zoned district. Inserting this phrase into the Zoning Resolution would have clearly allowed the property owner (or any future property owners) to submit a Use Variance to the Board of Zoning Appeals.



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November 8, 2022

Ms. Kathleen McCarthy, Secretary
Chester Township Zoning Commission
12701 Chillicothe Road
Chesterland, Ohio 44026

Re: Proposed Zoning Amendment No. ZC 2022-5
Initiated on October 19, 2022

Dear Ms. McCarthy:

Please be advised that the Geauga County Planning Commission at its meeting held on November 8, 2022 voted to recommend approval of the proposed Chester Township Zoning Amendment ZC 2022-5 as initiated by Zoning Commission on October 19, 2022.

Pursuant to R.C. 519.12, the Planning Commission's recommendation must be considered by the Zoning Commission at its public hearing regarding the proposed amendment. Subsequent to the hearing, the recommendation is to be forwarded to the Board of Township Trustees. If the subject amendment is adopted by the Board of Trustees, a copy thereof must be provided to this office within five (5) days after its effective date.

If you have any questions, please contact the Planning Commission at (440) 279-1740.

Sincerely,

Linda M. Crombie, AICP
Planning Director, Geauga County Planning Commission

c: Susan Wieland, APA
Amendment file