

ZONING COMMISSION

Regular Meeting

April 4, 2019

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Ch. Kalina called the Zoning Commission Regular Meeting on April 4, 2019 to order at 7:00 p.m.

Roll found: Marzullo, Schneider, Powell, Dermody, Kalina

Also in the audience: Trustee Schulte, Zoning Inspector Wilson and Alternate Michelle Crew

Ch. Kalina suggested changing the agenda item order so that Mr. George Smerigan could speak first. The Board agreed.

Mr. George Smerigan with Tactical Planning was introduced. Mr. Smerigan discussed the topics of Agritourism and Agriculture and how they affect zoning in townships.

Mr. Smerigan stated that generally townships cannot regulate agriculture, and that an exception would be within a recorded subdivision with at least 15 or more lots of less than an acre. Townships cannot regulate roadside stands, but townships have limited ability to regulate agritourism.

With regard to agriculture, townships can regulate the size of buildings, parking and setbacks; if a building is used as an attraction (ex. A barn) the township can regulate the location, setback and size, but there are still some limitations. If bringing people in for assembly then there are separate safety issues.

Discussion followed regarding regulations for agriculture and agritourism in neighboring townships and what direction the board would like to go from a policy standpoint.

Ch. Kalina stated there have not been huge issues regarding agriculture and agritourism that the board is aware of but believes these issues will come up. The concern is if a neighbor wants to have an agritourism attraction and how will this affect neighbors, how does the Township protect the neighbors, but also let the business thrive. The Township is not trying to stop or limit people from farming, but do it in a way to not adversely impact neighbors.

Discussion followed regarding these issues, Trustee Schulte stated that he and Zoning Inspector Wilson deals with agriculture issues on an ongoing basis as the community becomes more urbanized.

Mr. Marzullo questioned what happens when someone builds for an agriculture purpose and then in the future uses that building for agritourism. Mr. Smerigan stated when bringing people in there is no safety measures. Mr. Smerigan then discussed how far a township can go with this issue. A township will typically ask a property owner to certify what they are using the building for so they can then enforce that at a later date if the use is changed, however, if it's change to agritourism then there are limits that may be in place through the Township's Zoning Regulations.

Mr. Powell asked what if an original building use is converted and Mr. Smerigan stated the owner would be required to get a zoning permit from the township zoning inspector and then get a building permit from the county for the new use.

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Mr. Marzullo questioned if the ORC already contains language regarding farm markets. Discussion followed regarding roadside stands and renting rooms on property so people can have a farm experience.

Ms. Dermody questioned if agriculture can be regulated on property of 1-5 acres. Mr. Smerigan stated that anything over 5 acres cannot be regulated. Agriculture can be regulated on lots less than 1 acre, but the language has to be in the zoning regulations otherwise it cannot be enforced. Further discussion followed.

Ch. Kalina stated that his opinion is if the Board explores adding language to the zoning regulations, it's not necessarily going to stop someone, but it will give the Township some leeway to manage the agriculture issues while at the same time protecting neighbors. With the potential for many more houses being built in the Township, these issues could come up. Mr. Smerigan agreed with this because many people want to move to Hinckley.

Discussion followed regarding these issues in high density areas. Zoning Inspector Wilson pointed out that as people become more aware of the agriculture exemption they are using it for many things, but not always the right way, try to regulate it before it happens.

Trustee Schulte stated he has discussed with Mr. Smerigan and if the Zoning Commission wants to move forward with these issues then the Trustees would be willing to bring Mr. Smerigan in to assist. Ch. Kalina stated he appreciates Mr. Smerigan's knowledge and he supports the idea, there should be language on agritourism. Ms. Dermody agreed and stated it is to help people who want to do something. Mr. Powell stated it's important to agree to move ahead so Mr. Smerigan's time is not wasted. Mr. Schneider stated he agrees to the idea of making a list of what the board would like to see addressed. Mr. Marzullo stated he is okay with putting a list together but he wants it to be empowering, not restrictive, he doesn't want to restrict the 1 acre lot owners. Ms. Crew stated that she considered opening a Bed and Breakfast, she understands everyone's concerns, she doesn't like the restrictions, but there probably needs to be safeguards to protect everyone.

Mr. Smerigan stated he gets the message and he will draft language that will fit and agritourism will be clearly separate from agriculture.

The audience was asked to comment:

Jim McClintock – 2205 StonyHill Road

Mr. McClintock stated that he operated Jim Dandy Sweet Corn from 1998-2002, the Trustees then tried to shut him down but the Prosecutor said business was agriculture. Mr. McClintock stated he is opposed to regulations, Hinckley was a rural community when he was growing up, but it's not that way today. He cautioned the board to proceed carefully because there are deep roots in Hinckley.

Richard Pearl 1785 King Road

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Mr. Pearl discussed the opportunity to be known as a sustainability community. He suggested the board completely resolve agriculture issue and then discuss agritourism.

Ch. Kalina stated he will take the remarks into consideration.

Jerry Dolcini 308 Bellus

Mr. Dolcini stated he only has issues concerning wells. He is concerned neighbors are using herbicides so he doesn't drink the water.

Andrew Dobrovic 1490 Ridge Road

Mr. Dobrovic stated that the board doesn't necessarily have to use Mr. Smerigan's language, but it's good to have a starting point.

Ch. Kalina thanked everyone in the audience for their input. Ch. Kalina also thanked Mr. Pearl for his advocacy in the community to promote sustainability.

Ch. Kalina asked if everyone had received and read the minutes from the February 7, 2019 Regular Meeting. He asked if there were any comments, V. Ch. Dermody stated there were changes noted and would be reflected in the final.

Ch. Kalina stated he would entertain a motion to accept the February 7, 2019 Regular Meeting Minutes as written, with changes noted.

- Mr. Powell moved and Mr. Marzullo second.
- No further discussion
- Ch. Kalina called for vote to approve by saying Aye and/or if any abstained/opposed
- All were in favor

Ch. Kalina asked if everyone had received and read the minutes from the March 7, 2019 Zoning Commission Public Hearing. He asked if there were any comments, there were none.

Ch. Kalina stated he would entertain a motion to accept the March 7, 2019 Public Hearing minutes as written.

- Mr. Marzullo moved and Ms. Dermody second.
- No further discussion
- Ch. Kalina called for vote to approve by saying Aye and/or if any abstained/opposed
- All were in favor, except Mr. Schneider who abstained

Ch. Kalina asked if everyone had received and read the minutes from the March 7, 2019 Zoning Commission Regular Meeting. He asked if there were any comments, there were none.

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Ch. Kalina stated he would entertain a motion to accept the March 7, 2019 Zoning Commission Regular Meeting minutes as written.

- Ms. Dermody moved and Mr. Powell second.
- No further discussion
- Ch. Kalina called for vote to approve by saying Aye and/or if any abstained/opposed
- All were in favor, except Mr. Schneider who abstained

Old Business

Ch. Kalina discussed the Hinckley Township Trustee meeting regarding the Alternative Energy Language Text Amendment Proposal. Ch. Kalina indicated there was a lot of good discussion during the meeting. There were comments to explore including: Chapter 18 – clarifying language indicating permitted uses as accessory use to a principal use on accessory buildings. Discussion followed regarding this issue. Ch. Kalina indicated that the board will look at the language, it cannot be changed at this time, but can be considered with future amendments.

A motion was made by Mr. Marzullo to extend the meeting an additional 15 minutes. The motion was seconded by Mr. Schneider and all were in favor.

Ch. Kalina stated the next item is Hollow at Willow Lake, correspondence was received regarding the private roadway. Discussion followed regarding resolving the issue.

Ch. Kalina recommended discussing in-law suites at a later meeting due to time limitations.

Ch. Kalina indicated there was no new business.

Chairman's Report

- Ch. Kalina communicated and consulted with Mrs. Peterlin regarding board business, drafted minutes, agenda items, new topics and proposed text language.
- Collaborated with VC Dermody and Mrs. Peterlin to review and amend board minutes.
- Several phone conferences with Trustee Schulte, regarding public hearing, interpretation and proposed amendment language.
- Answered general questions from the public regarding township zoning.
- Prepared correspondence on behalf of Hinckley Township Zoning Commission to Hinckley Township Board of Trustees with request to take the appropriate steps in the formal zoning text amendment process.
- Several conversations regarding proposed zoning amendments with members of the media.
- Prepared summary of Alternative Energy Facilities proposed zoning amendments, including timeline and ORC language for Trustee's public hearing.
- Zoning Commission Meeting preparation:
 - Review of drafted Work Session and Regular Zoning Commission Minutes
 - Review of 4/4/19 drafted agenda.

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- Attended Hinckley Township Public Hearing and Regular Meetings to make public presentation of zoning amendments and represent the Zoning Commission.

Board Members' Reports

Nothing to report.

Ch. Kalina stated the next meeting is Thursday, May 2, 2019 at 7:00 p.m. He requested that Trustees be made aware that Zoning Commission will continue to look at other ways to promote use of solar power and explore the possibilities of structure mounted.

Mr. Pearl congratulated the board and expressed his appreciation for all that they do. Mr. Pearl discussed promoting sustainability.

There were no other comments.

Ch. Kalina entertained a motion to adjourn the April 7, 2019 Zoning Commission Regular meeting.

- Mr. Powell moved and Mr. Schneider second.
- No further discussion
- Ch. Kalina called for vote to approve by saying Aye and/or if any abstained/opposed.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 9:18 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2019

Christopher Kalina, Chairman

Diane Dermody, Vice-Chairman

Calvin Powell, Member

Bruce Schneider, Member

Matt Marzullo, Member