

LITCHFIELD BOARD OF TRUSTEES
PUBLIC HEARING
April 10, 2017

The Litchfield Township Board of Trustees met for a public hearing on Mon., April 10, 2017, at the Litchfield Town Hall after the requirements of the Sunshine Law were met by notification and posting. Chairman Wargo called the meeting to order at 5:00 p.m. with Trustees Horvath and Pope present. There was an audience of 6. All stood to recite the Pledge of Allegiance. The *Gazette* had been notified of the hearing and the purpose of the public hearing was to discuss zoning text amendments passed by the zoning board. Trustee Horvath made a motion to approve the minutes from the Feb. 6th and the March 6th Public Hearings as written; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Horvath thanked the board for their courtesy postponing the March meeting due to his absence for a family emergency. Trustee Horvath stated that tonight's public hearing will begin with Section 216. Trustee Horvath stated that he and ZI Noderer met with the prosecutors regarding some zoning issues and they were given some suggestions on how to deal with parked vehicles on residents' properties. Trustee Horvath stated that the trustees had passed a resolution against junk vehicles years ago so if the board wanted to act on that resolution the case would be handled by the Medina Municipal Court. However, if the handling of junk vehicles was included in the zoning book then any violations could be issued an injunction by the prosecutors' office and the case would go to the MC Common Pleas Court. Trustee Horvath stated that this is why junk vehicles need to be addressed in the zoning book. Trustee Pope stated that Section 216.01.1 deals with parking vehicles, RVs, and equipment and 216.01.2 discusses junk cars. There was a suggestion that junk cars could be kept in a building or behind a fence. Trustee Pope asked what would keep the township from having junk yards if the only requirement was to keep the cars behind a fence. ZI Noderer stated that the zoning could be written to limit the number of "junk" cars" to 1-4. Zoning Board Member (ZBM) Borling suggested that the trustees look over the entire Section 216 before changing any of the individual paragraphs since what they are discussing may be included in a later section. ZBM Wargo suggested adding 216.01.7 to include any additional items. Trustee Wargo stated that the zoning should be written in a manner that would make the zoning inspector's job easier. There was a discussion on what would constitute declaring a vehicle "junk" with suggestions including unlicensed/expired license vehicles and inoperable vehicles. Linda Meier stated that if someone had 10 cars on 1 ½ acres that would upset her but not if they were on 10 acres. Trustee Pope stated that zoning covers the entire township and a violation is often complaint driven or noticed by ZI Noderer when he drives around the township. ZI Noderer stated that when he drives around the township the only violations noted are those which he could see from the road. ZBM Wargo stated that no rule would be perfect but the trustees should try for the best way to deal with the issue. Trustee Wargo stated that different property sizes could make a difference since 3 cars in a small driveway could look bad but a larger property could handle more cars. ZBM Borling stated that the zoning board decided on using the ORC definition of junk motor vehicles since it has been tested. ZI Noderer suggested changing 216.01.2 to "**Junk Motor Vehicles** All junk motor vehicles must be stored in a building, garage or on a permanent parking area enclosed on all sides within a solid fence which meets all zoning requirements so the vehicle cannot be seen from the side yard, the rear yard or the roadway." The trustees stated that they would keep 216.01.1 as write. The trustees discussed 216.01.3 – 216.01.6. ZI Noderer stated that 216.01.4 covers larger items that would be considered trash. ZBM Borling stated that 216.01.6 is a catch-all for everything that is not considered a motor vehicle. ZI Noderer suggested these changes: 216.01.3 "Storage of garbage and/or recyclables awaiting disposal shall be kept in dumpsters or disposal containers."; 216.01.4 "Outdoor storage of miscellaneous junk materials, **refuse, debris**, ..."; 216.01.5

“Outdoor storage of any vehicle, other items with wheels, runners or a hull **in an operable condition ...**”; 216.01.6 “Outdoor storage for all private, residential, commercial and/or industrial use items **in an operable condition ...**”. The trustees stated that they were good with these suggestions. The trustees moved on to Section 217. Trustee Pope stated that in the survey for the Comprehensive Plan 10 years ago 70% responded that home-based businesses do not cause problems but 74% responded that the township should carefully regulate the home-based businesses. Trustee Pope stated based on these responses he thinks that a zoning permit should be required so that the zoning inspector can keep track of the home-based businesses in the township. ZBM Borling stated that the zoning board felt that for a Type 1 home-based business which is entirely conducted within a residence no zoning permit would be required. Trustee Pope stated that there could be a safety concern depending on the type of business, for example the fire department would need to know if there were any hazardous materials at the location. ZBM Borling asked how the zoning inspector would know about a Type 1 home-based business and how he would enforce them if he doesn't know what business is there. Mike Meier asked if there have been any complaints about Type 1 home-based businesses. Trustee Horvath stated that there have not been any. ZI Noderer stated that there should be a list of allowable Type 1 home-based businesses and those in the commercial and circle districts would need a zoning certificate. Trustee Horvath stated that he was okay with the entire section 217.01 as it is written. Trustee Wargo agreed with him. For Section 217.02 Type 2 home-based businesses Trustee Horvath asked if a conditional use zoning certificate would be required. ZBM Borling stated that the applicant would need to go to the BZA for a conditional use permit. ZI Noderer and ZBM Wargo stated that there should be a list of non-allowed Type 2 home-based businesses. Trustee Horvath asked if other townships have a list of what is and isn't permitted for a Type 2 home-based business. ZBM Setser stated that ZBM Borling and he could not find this type of list. Trustee Wargo stated that she would like to see a list of non-permitted uses; if there is no list she wouldn't know where to start compiling the list. Trustee Horvath stated that he was okay with everything in 217.02 as it is written. Trustees Pope and Wargo stated that they were okay with everything in 217.02 for now. The trustees decided to stop at Section 218. The trustees discussed dates for the next public hearing.

Trustee Horvath made a motion to continue the public hearing for the zoning text changes on May 8 at 5:00 at the town hall; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Wargo asked about returning to the in-law suite section of the zoning codes and asked if Trustees Horvath and Pope had spoken with residents about the issue. Trustee Horvath stated that he has spoken with other trustees, other zoning inspectors and residents. Trustee Pope stated that he has spoken with others also. Trustee Wargo asked if the next public hearing could begin with a discussion of Section 209.02 and Trustees Horvath and Pope agreed.

Trustee Horvath made a motion to adjourn; second by Pope. Voting yes: Horvath, Pope, Wargo. Public hearing adjourned at 8:00 p.m.