



**Summit County Planning Commission (SCPC)**  
Thursday, June 29, 2023 - 3:00 p.m.  
County of Summit, County Council Chambers  
175 South Main Street, 7<sup>th</sup> Floor, Akron, Ohio  
**Meeting Agenda**

- |    |  |                       |
|----|--|-----------------------|
| A. | Call to Order                                | <b>Chair Mavrides</b> |
| B. | Roll Call                                    | <b>Tubbs</b>          |
| C. | Approval of the April 27, 2023, SCPC Minutes | <b>Chair Mavrides</b> |
| D. | Business Items                               | <b>Knittel</b>        |

**New Business**

1. **Item #1 –Text Amendment - Bath Township** - The applicant has proposed that the Bath Township Zoning Resolution be revised to amend language used in sections 7, 5, and 12 for additional clarity.
2. **Item # 2 - Text Amendment - Bath Township** - The applicant has proposed that the Bath Township Zoning Resolution be revised to amend language used in sections 6 Riparian Corridor Overlay District, to provide additional clarity and direction.
3. **Item # 3 - Text Amendment - Copley Township** - The applicant has proposed that the Copley Township Zoning Resolution be revised to add language directing the submittal and public notice requirements of major site plans.
4. **Item # 4 – Variance – Sunset Drive - Copley Township** - The applicant is requesting a variance of 1108.05 Public Street Right-of-way Widths and Grades. The request is to allow for a 50' ROW where the Subdivision Regulations require a 60' ROW.

**Old Business**

1. **Item # 1 – 2023 Proposed Updates to The Subdivision Regulations** – The Subdivision Review Committee has submitted a redlined document of proposed changes to the current subdivision regulations.

- |    |                                  |                       |
|----|----------------------------------|-----------------------|
| E. | Report from Assistant Director   | <b>Tubbs</b>          |
| F. | Comments from Public             | <b>Chair Mavrides</b> |
| G. | Comments from Commission Members | <b>Chair Mavrides</b> |
| H. | Other                            |                       |
|    | 1. Legal Update                  | <b>Evans</b>          |
| I. | Adjournment                      | <b>Chair Mavrides</b> |



**Summit County Planning Commission (SCPC)**  
Thursday, April 27, 2023 - 3:00 p.m.  
County of Summit, County Council Chambers  
175 South Main Street, 7<sup>th</sup> Floor, Akron, Ohio  
**Meeting Agenda**

A. Call to Order

**Chair Allen Mavrides**

*Chair Allen Mavrides* called to order the Thursday, April 27, 2023 - SCPC monthly meeting at  
\_3:03 \_ p.m.

B. Roll Call

**Dennis Tubbs**

SCPC Member	Present
Beckham, George	X
Dickinson, Erin	X
Wiedie-Higham, Christine	X
Jones-Capers, Halle	X
Kline, David	X
Mavrides, Allen	X
Reville, Rich	
Segedy, Jason	
Snell, Jeff	X
Stoiber, Dennis	X
Terry, Robert	

Reported by *Dennis Tubbs*, we have a quorum for SCPC meeting Thursday, April 27, 2023 –  
SCPC monthly meeting at \_3:04\_\_ p.m.

## C. Approval of the March 30, 2022, SCPC Minutes

Chair Allen Mavrides

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Dickinson, Erin					
Wiedie- Higham, Christine			X		
Jones-Capers, Halle			X		
Kline, David	X		X		
Mavrides, Allen			X		
Reville, Rich					
Segedy, Jason					
Snell, Jeff			X		
Stoiber, Dennis		X	X		
Terry, Robert					

**Motion**

*\_David Kline\_* made a motion to *\_approve\_ Thursday, March 30, 2023, SCPC meeting minutes*, and it was seconded by *\_Dennis Stoiber\_*, ***all in favor, \_aye\_ Thursday, March 30 , 2023 SCPC meeting minutes***, the motion was *\_approved\_* with *\_0\_* abstentions.

## D. Business Items

Stephen Knittel

**Old Business**

*Reported by Stephen Knittel:*

Stephen Knittel reported that this is a rezoning in Coventry Township – applicant is requesting a change in zoning classification from residential R2 to B2 limited local business. Staff review found that here is adjacent B2 on the parcel and should not adversely affect the adjoining parcels as there are zoned B2 as well. Staff recommendation is to approve the zoning change.

Allen Mavrides stated that this item was tabled at last month’s meeting as applicant was not present. Applicant is present on this date.

*Representation for the Township:*

Roger Storm

Phone: 330-388-4168

Address: 2762 N. Turkeyfoot Road, Akron, OH 44319

The applicant is proposing to put an 8 unit building up on this parcel. Mr. Storm stated that he has spoken to the township, and they have building that have been built by Home Depot in Green and the township likes the style of the building, applicant would like to build the same type of unit.

*Township representative*

Laura Cowles, Zoning Inspector, Coventry Township

Phone: 330-644-0785

Ms. Cowles stated that the township is in favor of the build.

Allen Mavrides asked if it was approved by the township?

Laura Cowles explained that they were told to move forward with the build as to why they are present today.

*Questions from the members:* No questions from the members

*County Engineer's Office:* Joe Paradise, County Engineer's office had no comment

*Summit Soil and Water:* Sasha Mikheidze, Summit Soil and Water, had no comment as he was not presented with this item.

*Questions from the Public:* No comment from the public present

*Discussion from the members:* No discussion from the members

1. **Item # 1 – Rezoning- 201 Killian Road – Coventry Township** – Applicant is requesting to rezone 201 Killian Road, Parcel 1900776, 1.264 Acres from R-2 to B-2.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George					X
Dickinson, Erin			X		
Wiedie- Higham, Christine		X	X		
Jones-Capers, Halle			X		
Kline, David	X		X		
Mavrides, Allen			X		

Reville, Rich					
Segedy, Jason					
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert					

### **Motion**

David Kline made a motion to approve **Old Business - Item # 1 – Item # 1 – Rezoning- 201 Killian Road – Coventry Township**, per documents presented and staff recommendation and it was seconded by Christine Wiedie-Higham, ***all in favor, aye*** **Old Business - Item # 1 – Rezoning- 201 Killian Road – Coventry Township**, the motion was approved with 1 abstention (George Beckham as he is an elected official with Coventry Township).

- Item # 2 – 2023 Proposed Updates to The Subdivision Regulations** – The Subdivision Review Committee has submitted a redlined document of proposed changes to the current subdivision regulations.

*Reported by Stephen Knittel:*

Stephen Knittel reported about 2 months ago we made available to the planning commission updates to clean up items in the Subdivision regulations there was no major overhaul to the document, we corrected to names of agencies, documents and ordinances to assure that all verbiage was up to date with all standards. We are presenting this again to the planning commission as we have received no comments from the townships.

Dennis Tubbs explained that there is not rush to get this completed, purely up the the planning commission to review, but wanted to have the final comments made so we could clean up the document have the planning commission review and get to County Council for approval.

Allen Mavrides stated that he would like to look at the document further and give the member time to overlook the documents as well.

*Representation for the Township:*

George Beckham, Head of the Township Association, stated that he would like the townships to look at the documents as well and submit comments.

*Discussion from the members:*

Christine Wiedie-Higham asked as far a recommendation that members have made, are we were going to make comments as if the staff agrees with the comments or recommendations made?

Dennis Tubbs explained that if staff makes a recommendation, then we would get legal help to make sure that it is abiding, if legal makes a recommendation, then we will move forward as long as the members all agree.

Dennis Stoiber asked if staff and legal were going to look at the comments that are in the document now and make suggestions if it raises concern. And will there be an edited version of the Subdivision Regulations for next month's meeting.

Dennis Tubbs answered yes.

Staff and legal will look at the documents and we will make comments and will put in documents for next meeting. Also give Marvin Evans, legal counsel a chance to review the document as well.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Dickinson, Erin			X		
Wiedie- Higham, Christine			X		
Jones-Capers, Halle		X	X		
Kline, David	X		X		
Mavrides, Allen			X		
Reville, Rich					
Segedy, Jason					
Snell, Jeff			X		
Stoiber, Dennis			X		
Terry, Robert					

### **Motion**

*\_David Kline\_ made a motion to table **Old Business - Item # 2 – 2023 Proposed Updates to The Subdivision Regulations**, for further discussion, until next meeting to give time to review the Subdivision Regulations by the commission members and the townships and it was seconded by Halle Jones-Capers, **all in favor, aye** **Old Business - Item # 2 – 2023 Proposed Updates to The Subdivision Regulations**, the motion was tabled with 0 abstentions.*

### **New Business**

1. **Item #1 – Preliminary Plan Proposed Ridge Drive – Copley Township** – Applicant is proposing a roadway off of Rothrock Rd. with Phase 1 to end in a temporary cul-de-sac.

*Reported by Stephen Knittel:*

Stephen Knittel reported the proposed roadway in Copley Township off of Rothrock Road, the name of the road will probably not be Rich Drive this is a working title held in Stephen Knittel's office for his files. Per the plans the road is unnamed. The applicant is requesting a 50 foot right of way public road that will end in a temporary cul-de-sac for Phase 1 of the purposed roadway with future extension of said roadway that will extend back to the North and then to East back to access Rothrock Road further to the North of where it is coming in at now.

We have comments from a few agencies in reference to the curve radius of the road that need to be sure to meet subdivision regulations standards and should it not then the applicant would be required to apply for a variance if they were unable to alter the plans to make it meet standards.

Staff recommendation is conditional approval of the pulmonary plans upon satisfying the comments of the Summit County Engineers office, if the curve radius does not meet standards, then the applicant would need to apply for variance with the SCPC for that item.

Allen Mavrides stated for the record there was a site visit.

*Questions from the members:*

Dennis Stoiber asked about the comment about the length of the new road and if it complies with the maximum length of a cul-de-sac.

Stephen Knittel explained, with it being Phase 1 and a temporary that is where it is currently, the future phase would comply.

*Question:* How long is the road?

*Answer:* 970 feet

1200 feet is the maximum length of a cul-de-sac

New regulations are 1000 with 25 units or more per Jeff Snell. Current regulations is 1200.

Per Stephen Knittel findings, a permanent cul-de-sac should not exceed 1000 feet.

*Representation for the Applicant:*

Matthew J. Burch

Phone: 330-903-1185

Address: 1798 Great Runway, Akron, OH 44333

Allen Mavrides asked, has anything changed since they seen it last?

The applicant explained that they have adjusted the radius on their plans for this project to meet the requirements, per the drawings submitted. The applicant explained that they have addressed some the comments from the County Engineer's office and will get the completed documents to their office as soon as possible.

The applicant stated that they did adjust the site distance with the other building so they will get that to the County Engineer's office as well.

Maximum profile grade the applicant is requesting this to be a commercial/industrial road due to the potential future development they are classifying it as a residential, with a 50-foot right-of-way.

Jeff Snell asked for explanation of phases of the parcels, where is the turn around?

Applicant explained, Phase 1 will come up along the ridge which is what they have plans and conditional permit for currently, then will cul-de-sac at the turn in at the rock.

Applicant also owns the other sites of 6 acres, 15 acres and 2 in the green which is where their next Phase will go and will loop the road out. (See submitted diagram)

*Discussion from the members:*

Jeff Snell asked, do we put or does Copley Township have some kind of requirement that the future extension is somehow granted for future build no matter who owns the parcel, because if it is granted it cannot extend it, if it doesn't go to the edge of the property line.

The applicant stated that they call out future extensions, even on what has been approved with Copley Township. They put the temporary road there for length requirements.

Jeff Snell asked, does the actual road of what is being granted go all the way to the property line, but you're just putting the road to the cul-de-sac? Is there a public right-of-way that goes all the way there, but the road is going to end where the temporary is if you do not own the property to the North can someone else extend it?

Dedication plat presented shows all the way to the end, as the applicant does not know where it will end as of right now and have authorized Weber to begin Phase 2 now that they have all the parcel to connect.

*Representation for the Township:*

Copley Township

Loudan Kline, Director Community and Economic Development

Phone: 330-666-1853

Address: 1540 S. Cleveland-Massillon Road, Copley, OH 44321

Loudan Kline explained that the township supports the project and complied with the mixed-use compact development plan, explained that if anyone came in they wanted to build this plan they would allow them to proceed as long as is in conformance with what is on file at the township.

*Questions from Members to the Township:*

Jeff Snell asked, you don't have a permanent right-of-way, so the temporary could be a permanent conceivably as there isn't a connection.

Mr. Kline answered, Correct.

Jeff Snell asked, is that okay, as he doesn't see a loop and would concerns with safety and other reasons that would be a good thing as it doesn't go to the property line and he's sure they will design it as such, however it would be nice to have a right-of-way.

It's a township question that its development meets the standards, but what if that doesn't happen?

Mr. Kline explained, as long as the developer is following the phase lines then they do not have an issue with it and will stay abreast to the project as it is being developed.

*County Engineer's Office:*

Joe Paradise, Summit County Engineer



Joe Paradise explained that the applicant has provided comments to the County Engineer's Office. The most critical was the profound grade of the roadway. The lot is servicing buildings A,B,C and D which are commercial establishments. Commercial builds should comply with commercial standards which is a 60-foot right-of-way and maximum 6% grade. The purposed roadway comes straight down to the edge of pavement to Rothrock Road, and the developer should have a swail that comes down edge of pavement down radius and back up which pushes it down. Lowering the percent grade 1% from 7 to 6 means every 100 feet you dig down, on 600 feet roadway you are cutting 6 feet at the end and this site is solid rock, so digging you dig 6 feet to get to the profile grade and then an additional 2 feet to build the roadway. Which may lead to contractor/developer issues in the future which we are trying to avoid. Would like to see the easement plotted to the right-of-way, and if they are to have a cul-de-sac it should be set off to the left so that the driver can have an easier left turn and turn around or make a simple circle.

The county Engineer's office is open to work with the developer.

*Questions from members to County Engineer's Office:*

Jeff Snell asked, are you concerned if the right-of-way doesn't get extended?

Jeff Snell asked, if the Engineer's office is okay with the cul-de-sac being in front of the apartment building? Do you have any concerns as this is not dedicated yet?

Joe Paradise explained, In the past there have been temporary cul-de-sacs.

Allen Mavrides stated that we cannot say what is going to be built we need to make sure that the plan of the development is correct. The build is beyond the members scope of work as we cannot determine what is the right build for the land.

*Summit Soil and Water:*

Sasha Mikheidze, Summit Soil and Water

Mr. Mikheidze explained that since the township has their own riparian code this would not be applicable.

*Discussion from members:*

George Beckham asked, on the future extension what if the owner sold the land and the new owner did not want to run the street that is why they are saying it should be platted somewhere should he sell the land, because it's not on paper.

Mr. Burch explained that if it does not go all the way through their temporary cul-de-sac meets the requirements of 1200 feet, the other half should be for fire and emergency ingress and egress to get around. The question would be to the township, if the Fire Department has the seen the temporary bubble to not transverse the cul-de-sac to get back out once they are in.

*Representative for the Developer:*

Matthew Weber, Weber Engineering

Phone: 330-329-2037

Address: 2555 Hartville Road, Rootstown, OH 44272

There is no requirement for the road to go through as it meets the requirements. The developers' intentions are to let the road go through. In a previous version was even to loop it within the property that the owner has currently. There is an alternate way of this, however Rothrock Road had lined up better with the design, so the owner pursued this property. As far as the cul-de-sac, they will work with the County Engineer, Safety Services and Township to make sure they are aware and satisfied of how the build will be mapped out as a lot of this is recommended or preferred.

Jeff Snell asked if the cul-de-sac meet the code.

Mr. Weber answered, as far as radius and accessibility, yes.

Jeff Snell would like to know if the cul-de-sac meets requirement, or there is an easement so the road could be permanent. Either put an easement on the other side or finish the easement going to the property line. This your intent to make it a temporary cul-de-sac. Or come up with a path all the way out.

The developer explained that they can make it a temporary easement and come back and vacate it in the next phase or come up with a path all the way out. He would rather come up with a cul-de-sac with temporary easements in place then have come back a have to do an S curve or find another route for the build.

Allen Mavrides suggests that the owner record a cul-de-sac with the appropriate right-of-way and the appropriate cul-de-sac design.

Dennis Stoiber explained that he couldn't tell if it was a county road or a township road or a as someone will have to do the maintenance on it even if its temporary and half of the pavement is not in the right-of-way.

Allen Mavrides explained that "Temporary Turn Around" and "Temporary Cul-De-Sac" are two separate things as there is no such meaning of a Temporary Cul-De-Sac.

*The Woodlands Apartment discussion:*

Jeff Snell stated that there is a contract with the Woodlands and one unit will be affected.

The owner explained that the issue was going from the left instead of the right. If they went to the left, it would have been mass excavation and loss of tree preservation, they worked with Copley Township to assure avoiding and preserving the woodlands and all the mature trees in the area.

David Kline explained that he would like to see a full easement for the cul-de-sac.

Allen Mavrides stated that if you would like to call it an easement it needs to match the right-of-way requirements.

*Additional comments from the Township:*

Copley Township

Loudan Kline, Director Community and Economic Development

Mr. Kline asked, do you ever look at phases of subdivisions? Do you ever look at where the right-of-way ending right at the property line and then you have easements on each side, temporary turn around easements where the pavement goes all the way through?

Jeff Snell explained that it's just that it does not go all the way to the property line, as long as the easement goes all the way out and you have the right to extend that potentially. Where it sits now it could all just stop and you are stuck as there is no easement.

The Owner Mr. Burch and Developer Matt Weber, decided during the meeting that they are going to extend it all the way out to the property line, even if something changes in the future.

*Questions from the Public:* No one from the public was present.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Dickinson, Erin			X		
Wiedie- Higham, Christine			X		
Jones-Capers, Halle			X		
Kline, David		X	X		
Mavrides, Allen			X		
Reville, Rich					
Segedy, Jason					
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert					

### **Motion**

*Dennis Stoiber\_ made a motion to \_approve\_ **Item #1 – Preliminary Plan Proposed Ridge Drive – Copley Township**, with conditions that the comments from the County Engineer are satisfied and discussion of relative right-of-way are also included in the final solution and it was seconded by \_David Kline\_, all in favor, \_aye\_ **Item #1 – Preliminary Plan Proposed Ridge Drive – Copley Township**, the motion was \_conditionally approved\_ with \_0\_ abstentions.*

- Item #2 – Preliminary Plan Proposed Sunset Drive – Copley Township** – Applicant is proposing extending Sunset Drive in Copley township to complete connection from Copley Rd to S. Cleveland-Massillon Rd.

*Reported by Stephen Knittel:*

Stephen Knittel reported the Preliminary Plan Proposed Sunset Drive – Copley Township off Copley Road, the proposal is to extend Sunset Drive in Copley Township to the north and have it turn the east to access Cleveland-Massillon Road. There are comments from County Engineer's office, Summit Soil and Water as well as Dominion Energy. Staff recommendation is the conditional approve upon satisfying the comments made by the reviewing agencies.

*Representation for the Township:*

Copley Township

Loudan Kline, Director Community and Economic Development

Phone: 330-666-1853

Address: 1540 S. Cleveland-Massillon Road, Copley, OH 44321

Mr. Kline explained that they are proposing to extend Sunset Drive from Copley Road to Cleveland-Massillon this is done mainly to provide development area for a new joint Police and Fire facility that passed recently in the townships November ballot issue. The facility build itself is about \$17 million the ballot issue was for \$21 million dollar project. The safety facility has been talked about for about 14-15 years in the township and has now been approved by the township.

The extension is having secondary access for Police and Fire to go North as the intersection currently is not the easiest access to get through. It is also an economic development at Copley Circle for the township to have vehicular and pedestrian bike traffic, utilities and water to get through Sunset Drive as these utilities are not currently available on this street.

*Questions from the members:* No current questions from the members

*County Engineer's Office:*

Joe Paradise, Summit County Engineer

Joe Paradise explained that this plan provides a 50-foot-wide right-of-way that should be 60 feet wide as it is going to be a commercial establishment. There is going to be a new sideway on the east side of the road and a facility on the west side of the road.

The suggestions are to shift the right-of-way this would eliminate a mid-walk crosswalk.

There are many comments that the township needs to address.

*Summit Soil and Water:*

Sasha Mikheidze, Summit Soil and Water

Mr. Mikheidze explained that since the township has their own riparian code this would not be applicable.

*Questions from the Public:* No one from the public was present.

*Further Discussion from the Township:*

Loudan Kline wanted to address the County Engineer's comments that the township may not be able to meet, which is about the right-of-way width, this was approved as a right-of-way plat and was in place with the 50-foot width and the township is keeping that consistent through there as it's a very tight site to build on, however to meet storm water requirements and regulations they are keeping it at 50 feet. There was a Concept Plan meeting, and this was discussed to see if a requiring a variance would need to be requested, they would have asked, but the township is on a tight schedule, and they are requesting that they are able to keep the 50 feet.

*Discussion from the members:* No further discussion from the members

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Dickinson, Erin			X		
Wiedie- Higham, Christine			X		
Jones-Capers, Halle			X		
Kline, David	X		X		
Mavrides, Allen			X		
Reville, Rich					
Segedy, Jason					
Snell, Jeff			X		
Stoiber, Dennis		X	X		
Terry, Robert					

### **Motion**

*\_David Kline\_ made a motion to approve **Item #2 – Preliminary Plan Proposed Sunset Drive – Copley Township**, with due consideration and conditions that the 29 requirements from Staff, County Engineer, Summit Soil and Water and Dominion Energy are satisfied and it was seconded by Dennis Stoiber, ***all in favor***, aye **Item #2 – Preliminary Plan Proposed Sunset Drive – Copley Township**, the motion was conditionally approved with 0 abstentions.*

3. **Item #3 – Text Amendment – Northfield Center Township** - To amend the Northfield Center Township Zoning Resolution Chapter 310.08 Accessory Use Regulations: To remove the word “additional” so the resolution reads “One accessory building shall be permitted on the lot in compliance with the following:”

*Reported by Stephen Knittel:*

Stephen Knittel reported this is a text amendment, they are proposing to amend one (1) word per planning commission previous comments. Removing the word “additional” in Chapter 310.08 under Accessory Use Regulations. This was about how many accessory buildings that you could have.

Jeff Snell stated that overall, when you read it, it’s extremely confusing.

- (1) Under D(1) and D(2) it reads, an accessory building can be attached to your house, your principal residence or unattached to your residence.

If it’s an accessory building, how can it be attached?

- (2) Under 4(A) & (B) it states, an accessory building other than a garage shall not exceed more than 454 square feet except as permitted for these bigger lots no more than 15 feet in height and is 1.5% of your lot. If it’s over 1000 it cannot exceed 18 feet.

Jeff Snell explained, the Chapter beginning stated was about accessory use not an accessory building. The township may want to re-read this and put a cap on the land mass that the resident has as there is no cap per the township's regulations in the wording.

Christine Wiedie-Higham suggests that the township needs to reach out to their County Representative. How can we as members assist with the township in trying to guide them with understanding the wording of their regulations.

Stephen Knittel stated that if he finds regulations that he feels may possibly assist with townships he sends them to the township and also asks townships how their regulation is working.

*Representation for the Township:* There was no one from the Township in attendance at this meeting.

*Questions from the Public:* No one from the public was present.

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Dickinson, Erin			X		
Wiedie- Higham, Christine		X	X		
Jones-Capers, Halle			X		
Kline, David			X		
Mavrides, Allen			X		
Reville, Rich					
Segedy, Jason					
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert					

### **Motion**

Dennis Stoiber made a motion to approve **Item #3 – Text Amendment – Northfield Center Township**, with staff comments and it was seconded by Christine Wiedoie-Higham, ***all in favor, aye*** **Item #3 – Text Amendment – Northfield Center Township**, the motion was approved with 0 abstentions.

E. Report from Assistant Director

**Assistant Director Dennis Tubbs**

Dennis Tubbs introduction of New Staff member GIS James Taylor

F. Comments from Public **Chair Allen Mavrides**

No one from the public was present.

G. Comments from Commission Members **Chair Allen Mavrides**

Jeff Snell presented the Summit County Planning Commission Township Zoning Amendments/Map Change process to the membership as to how the process should go before being presented to the members.

H. Other **Attorney Marvin Evans**  
1. Legal Update

Welcome, Atty Marvin Evans

Update on the Daniel Delfino case is being briefed and is being considered by the court. One option could be that it may be sent back to the planning commission for further deliberation, but there are no updates as of yet.

I. Adjournment **Chair Allen Mavrides**

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George			X		
Dickinson, Erin			X		
Wiedie- Higham, Christine			X		
Jones-Capers, Halle			X		
Kline, David	X		X		
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason					
Snell, Jeff					
Stoiber, Dennis		X	X		
Terry, Robert					

**Motion**

David Kline made a motion to *adjourn* the **Thursday, April 27, 2023, SCPC monthly meeting**, and it was seconded by Dennis Stoiber, *all in favor, aye*, the **Thursday, April 27, 2023, SCPC monthly meeting** *adjourned* at 4:14 p.m. pm with 0 abstentions.

*These minutes were recorded, prepared, and represent the writer's best recollection of the items discussed by:*

*Tazena Long, Executive Assistant*

*Department of Community and Economic Development*

*Friday, May 18, 2023 @ 1:37 p.m.*





Planning Commission  
Zoning Text Amendment  
**Language Amendment**  
Bath Township

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**Item No.:** 1  
**Meeting:** May 25, 2023  
**Applicant:** Bath Zoning Commission  
**Proposal:** **Language Amendment**  
**Processor:** Stephen Knittel

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**Proposal:** The applicant has proposed that the Bath Township Zoning Resolution be revised to amend language used in sections 7, 5, and 12 for additional clarity.

**Proposed Text Amendments:**

**Bath Township**

**Article 7, Section 701-D(18) Swimming Pools**

Current: (B) For private swimming pools in any residential district, the pool shall be set back a minimum of 20 feet from all lot lines and the principal dwelling.

Proposed: (B) For private swimming pools in any residential district, the pool shall be set back a minimum of 20 feet from all lot lines and 10 feet from principal dwelling.

**Automatic Pool Cover Language:**

(H) For lots or parcels 1.5 acres or greater with an in-ground swimming pool, a properly installed swimming pool cover system, in lieu of required fencing and/or walls, must be in full compliance with the current American Society for Testing and Material Standards ASTM Standard F1346-91, or its equivalent, and shall be fully operational at all times. Installed swimming pool cover systems shall always be locked and closed when the pool is not in use.

**Article 7, Section 701-D(2)(A) Accessory Dwelling Units**

(A) The structure shall meet the minimum front yard setback and shall be set back a minimum of 50 feet from all other lot lines. \*Decreased setbacks from 100' from all lot lines to the proposed above.

Definition Section 1603: Detached living quarters located on a lot with an existing principal dwelling where the accessory dwelling unit is designed for the use of persons that are related, employed on the premises, or for the temporary use of guests of the occupants of the principal dwelling. Such guesthouse or accessory dwellings are not rented, leased, or otherwise transferred to an individual or organization as a separate dwelling.

**Article 7, Section 701-B(11)(F) \*New - Commercial Accessory Structure**

(F) The total building footprint area of all accessory buildings and structures on a lot in the B-1, B-2, B-3,

B-4, and B-5 shall not exceed 144 square feet.

**Article 5, Section 504-A(3)(H)(ii) Flag Lots**

ii) The “flagpole” portion of the lot shall have a minimum lot width at the street right-of-way as required in Table 504-1: Site Development Standards for Residential Zoning Districts and Table 504-2: Site Development Standards for Business and Mixed-Use Zoning Districts. At no point shall the “flagpole” be tapered less than 25 feet in width.

**Article 12, Section 1207-J Parking of Commercial Vehicles, Recreational Vehicles, Boats, Equipment and Trailers \*New**

**(1) Commercial Vehicles**

(A) Only those vehicles that are classified as a Light Duty Truck, Class 1 or Class 2 by the Federal Highway Administration are permitted to be parked or stored on residential lots for more than eight consecutive hours. All other classification of vehicles may only be parked or stored on residential lots when within a fully enclosed building.

(B) ) Residents who rent or lease a commercial moving vehicle for the purpose of moving or storing goods may park the vehicle in their driveway for up to 48 hours for the purpose of loading and unloading.

**(2) Parking and Storage of Recreational Vehicles, Boats, Equipment and Trailers**

(A) ) In no instance shall there be more than a total of two recreational vehicles, boats, trailers or equipment, stored outside on a single residential property.

(B) ) Recreational vehicles, equipment, boats, trailers, or similar equipment shall not be stored in the applicable front setback of the dwelling except that:

(i) ) Any size recreational vehicle may be temporarily parked in the front yard, on a driveway or paved surface, for a period of not more than 48 hours at any time of the year.

(C) ) Recreational vehicles, boats and trailers exceeding 24 feet in length, (including the entirety of any trailer) may be parked or stored in a residential district, outside of an enclosed building, subject to the following conditions:

(i) The vehicle is parked or stored on the same lot as the principal dwelling owned by the owner of the vehicle;

(ii) The vehicle shall not be used as living quarters, whether temporary or permanent, and no business shall be conducted in the recreational vehicle while the vehicle is stored;

(iii) The vehicle is parked behind the existing front line of the building foundation at a point furthest from the street right-of-way to the maximum extent practical but in no case shall the vehicle be located any closer than 10 feet from any lot line;

(iv) The vehicle has no permanent connection to electric, water, gas or sewer facilities;

(v) The vehicle is kept in good repair and carries the current year's license and/or registration as required by the State of Ohio;

(vi) Only covers and tarpaulins designed specifically to fit the vehicle may be used to cover

the vehicle or components; and

(vii) The entire area under the parking or storage of a recreational vehicle, trailer or similar equipment shall be on a permeable or nonpermeable hard surface.

(D) Recreational vehicles, boats and trailers of any size may be stored in an enclosed garage or permitted accessory building in any residential district provided that no living quarters are maintained, and no business is conducted in the recreational vehicle while the vehicle is stored.

**Article 12, Section 1204-B Required Number of Spaces      \*Change to Max**

Sec. 1204-B Maximum Required Number of Spaces

**Article 12, Table 1204-2: Parking Area Dimensions**

\*Increase Parking Stall Width to 10'

<b>TABLE 1204-2: PARKING AREA DIMENSIONS</b>				
<b>ANGLE OF PARKING (DEGREES)</b>	<b>ONE-WAY MANEUVERIN G AISLE WIDTH (FEET) “A”</b>	<b>TWO-WAY MANEUVERIN G AISLE WIDTH (FEET) “A”</b>	<b>PARKING STALL WIDTH (FEET) “B”</b>	<b>PARKING STALL LENGTH (FEET) “C”</b>
0 – Parallel	12	20	9	23
30 – 53	14	20	10	18
54 – 75	19	21	10	18
76 – 90	22	24	10	18

**Article 12, Section 1207-K Bollards \*New**

(1) Bollards may be required by the zoning inspector to ensure public safety. Final bollard design shall be approved by the ARC.

Definition Section 1603: Bollard means a vertical post designed and used to obstruct the passage of motor vehicles and separate pedestrian and vehicular traffic.

**Staff Comments:** Article 7, Section 701-D(2)(A) Accessory Dwelling Units – proposed use of the word “related” – Bath Township Zoning Regulations does not have a definition for “related” and would probably run into the same issues as using the word “family” (no definition for family either) while I believe the intent is clear (ADU are not rental units, no strangers should be staying there) the practicality of enforcing “related” would be difficult.

**Recommendation:** Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.



Planning Commission  
Zoning Text Amendment  
**Riparian Ordinance Revision**  
Bath Township

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**Item No.:** 2  
**Meeting:** May 25, 2023  
**Applicant:** Bath Zoning Commission  
**Proposal:** **Riparian Ordinance Revision**  
**Processor:** Stephen Knittel

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**Proposal:** The applicant has proposed that the Bath Township Zoning Resolution be revised to amend language used in sections 6 Riparian Corridor Overlay District, to provide additional clarity and direction.

**Proposed Text Amendments:**

**Bath Township**

**Sec 602 R C – O RIPARIAN CORRIDOR OVERLAY DISTRICT**

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**Sec. 602-A PURPOSE**

- (1) It is hereby determined that the system of rivers, streams, and other natural watercourses contributes to the health, safety, and general welfare of the residents of Bath Township and the protection of such resources are aligned with the purposes of this zoning resolution and the vision established in the Bath Township Comprehensive Plan. The specific purpose and intent of the Riparian Corridor Overlay District (RC-0) is to implement the provisions of the Bath Township Comprehensive Plan and is based on subsequent analysis of point and non-point pollution and ecological studies of riparian systems in Bath Township as contained in the Bath Township Natural Resources Protection Study. In accordance with these documents and this resolution, the specific purpose of the RC-0 is to regulate land use and construction within riparian areas to:
- (A) Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow;
  - (B) Stabilize the banks of watercourses to reduce bank erosion and downstream transport of sediments eroded from watercourse banks;
  - (C) Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants in runoff before they enter watercourses;

- (D) Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation; and
- (E) Minimize encroachment on watercourse channels and the need for costly engineering solutions such as dams, retention basins, and rip rap to protect structures, reduce property damage and threats to the safety of watershed residents, and preserve the character and property values of the township.

**(2)** It is the policy of Bath Township to encourage the establishment of naturally vegetated riparian setbacks along watercourses. Property owners who own land beside watercourses are encouraged to assume responsibility for helping to maintain water quality and the environmental health of riparian systems within Bath Township. Riparian setback requirements defined herein represent only minimal protection to water quality and property owners are encouraged to do more to protect the ecological health of waterways. Guidance regarding characteristics of riparian setbacks can be found in the Bath Township Design Guidelines.

#### Sec. 602-B ESTABLISHMENT OF A RIPARIAN SETBACK

- (1) For the purposes of this district, streams are those which meet the definition of "stream" and as indicated on at least one of the following maps: USGS topographical map, Summit County Riparian Setback map, or soils maps located in the published Soil Survey for Summit County Ohio, USDA, ODNr, OARDC, Issued November 1974.
- (2) Widths of buffers are measured as horizontal map distance outward from the ordinary high- water mark on each side of a stream, and are established as follows:
  - (A) A minimum of 100 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles;
  - (B) A minimum of 75 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 20 square miles;
  - (C) A minimum of 50 feet on each side of all streams draining an area greater than 0.05 square mile (32 acres) and up to 0.5 square mile (320 acres); or
  - (D) A minimum of 30 feet on each side of all streams draining an area less than 0.05 square mile (32 acres).
- (3) The following are exempt from the terms and protection of these regulations: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey stormwater to another system, tile drainage systems, and stream culverts.
- (4) The following shall apply to the riparian setback:
  - (A) Where the 100-year floodplain is wider than the riparian setback on either or both sides of the stream, the riparian setback shall be extended to the outer edge of the

100-year floodplain. The 100-year floodplain shall be as established by the Federal Emergency Management Administration (FEMA)

- (B) Because the gradient of the riparian corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the riparian setback formula for width determination:

Average Percent Slope	Width of Setback
15% through 20%	Add 25 feet
Greater than 20% through 25%	Add 50 feet
Greater than 25%	Add 100 feet

Average percent slope of the streambank is to be calculated for the area within the Riparian Setback and is to be measured as a line perpendicular to the stream channel at the location where structures or uses are proposed in the plan. All the following measurements are to be performed using County of Summit Geographical Information system data. Calculate slope as follows:

*Change in elevation from the edge of stream channel to edge of Riparian Setback divided by Horizontal map distance from the edge of stream channel to the edge of the Riparian Setback.*

- (C) Where wetlands protected under federal or state law are identified within the Riparian Setback, the Riparian Setback shall consist of the full extent of the wetlands plus the following additional setback widths:
- A 50-foot setback extending beyond the outer boundary of Category 3 wetlands.
  - A 30-foot setback extending beyond the outer boundary of a Category 2 wetlands.
  - No additional setback will be required adjacent to Category 1 wetlands.

- (D) Wetlands shall be delineated by a qualified professional under guidelines established by the

U.S. Army Corps of Engineers and Ohio Environmental Protection Agency and the delineation approved by the appropriate agencies. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment.

- (E) The applicant shall be responsible for delineating the Riparian Setback, including any expansions or modifications as required by subsections (b) through (d) hereof, and identifying this setback on all subdivisions, land development plans, and/or building permit applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation shall be subject to review and approval by the Summit SWCD. As the result of this review, the Summit SWCD may require further studies from the applicant.
- (F) Prior to any soil disturbing activity, the Riparian Setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil- disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All fencing shall be removed when a development project is completed.

- (G) No approvals or permits shall be issued by the Township prior to delineation of the Riparian Setback in conformance with these regulations.
- (H) Upon completion of an approved subdivision, the Riparian Setback shall be permanently recorded on the plat records for the County of Summit.

#### Sec. 602-C PERMITTED USES AND ACTIVITIES

All areas located within the riparian setback are subject to the following standards and regulations. Alteration of the riparian area is strictly limited and with the exception of activities specifically allowed in this section, the riparian setback shall be preserved in its natural state.

##### (1) Permitted Uses and Activities

- (A) Construction of passive use recreational trails is permitted provided such trails are set back at least 20 feet from the ordinary high-water mark of the watercourse and provided they are not constructed of impervious materials. Installation of passive use trails must meet applicable federal, state, and local regulations. Passive use includes hiking, bicycling, fishing, hunting, picnicking, and similar uses, and associated structures including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.
- (B) The removal of damaged or diseased individual trees are permitted if they are in danger of falling and causing damage to structures or causing blockage to the stream flow.
- (C) Revegetation and/or reforestation of the riparian setback shall be allowed. Information pertaining to species of shrubs and vines recommended for stabilizing flood prone areas and areas along streams may be obtained from the Summit SWCD. Use of invasive species is prohibited.
- (D) The County of Summit Engineer maintains the right of access to all streams within the County of Summit for the purposes outlines in the Ohio Revised Code, Sections 6131.01 to 6131.64, 6133.01 to 6122.15, 6135.01 to 6135.27 and 6137.05.1.

##### (2) Permitted Uses and Activities with prior approval of the design

- (A) Stream bank stabilization/erosion control: Best Management Practices (BMP's) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/erosion control practices shall only be undertaken upon approval of a Stormwater Pollution Prevention Plan (SWPPP or SWP3) by the Summit SWCD.
- (B) Crossings: Crossing of designated streams through the Riparian Setback by vehicles, storm sewers, sewer and/or water lines, and public utility lines will be subject to the approval of the local, county, state, and federal governing agencies. All crossings



shall minimize disturbance to the riparian setback and shall mitigate and remediate any necessary disturbances.

- i. One driveway crossing per stream per tax parcel will be allowed for individual landowners. The angle of crossing shall be perpendicular to the stream and structures should be designed to allow fish passage.
  - ii. Stream crossings for subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the Summit County Engineer's design standards and as approved by the Summit County Planning Commission and Bath Township. One roadway crossing per 1,000 linear feet is permitted. The angle of crossing shall be perpendicular to the stream and structures should be designed to allow fish passage. If two or more crossings per 1,000 linear feet of the stream centerline are required for these areas, the applicant must apply for a variance. All roadway crossings shall minimize disturbance to the riparian setback and shall mitigate and remediate any necessary disturbances.
- (C) Placement of stormwater management practices may be considered within the Riparian Setback if:
- i. Stormwater quality treatment that is consistent with current state standards is incorporated into the stormwater management practice.
  - ii. The stormwater management practice, including all components of the practice, is located at least 50 feet from the ordinary high-water mark of the stream.
  - iii. The stormwater management practice is not constructed in a wetland or 100-year floodplain.
  - iv. Consideration for placement of stormwater management practices within the riparian setback will be reviewed by the Summit SWCD.

### **(3) Prohibited Uses and Activities**

- (A) Construction: There shall be no structures of any kind constructed within the riparian setback, except as permitted under these regulations.
- (B) Dredging or dumping: There shall be no drilling for petroleum or mineral products, mining activity, filling or dredging of soils, spoils, or any material – natural or manmade – within the riparian setback, except as permitted under these regulations.
- (C) Roads or driveways: There shall be no roads or driveways, except as permitted under these regulations.
- (D) Modification of natural vegetation: Modification or removal of natural vegetation is strictly prohibited. Modification of riparian vegetation shall be limited to conservation maintenance deemed necessary to control noxious weeds. Access and maintenance of landscaping or lawns existing at the time of passage of these regulations is permitted. Nothing in this section shall be construed as requiring a

landowner to plant or undertake any other activities in the Riparian Setback provided the landowner allows for natural succession.

- (E) Parking lots: There shall be no parking lots or other human made impervious cover, except as permitted under these regulations.
- (F) Surface and/or subsurface sewage disposal or treatment area: Riparian setbacks shall not be used for the disposal or treatment of sewage except for:
  - i. Undeveloped parcels that received site evaluation approval and/or permit approval prior to the enactment of this chapter.
  - ii. Dwellings currently served by disposal/treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and permitted or in accordance with the Summit County Health Department and/or the Ohio Environmental Protection Agency.
  - iii. Existing failing systems which are located within the Riparian Setback can be upgraded with approval of the Summit County Health Department and/or the Ohio Environmental Protection Agency. Prior to replacing an existing system, the applicant must first make reasonable attempt to relocate the system outside of the riparian setback. If alternative location is not feasible, the system may be replaced in its current location.

#### Sec. 602-D NON-CONFORMING STRUCTURES OR USES IN THE RIPARIAN SETBACK

- (1) Structures and uses within the Riparian Setback, existing at the time of passage of these regulations, that are not permitted under these regulations may be continued but shall not be expanded except as set forth in this section.
- (2) If damaged or destroyed, these structures or uses may be repaired or restored within two years from the date of damage/destruction at the property owner's own risk.
- (3) A residential structure or use within the Riparian Setback existing at the time of passage of these regulations may be expanded subject to the provisions of subsection (3)(A) through (C) hereof.
  - (A) The expansion conforms to existing zoning regulations.
  - (B) The expansion must not impact the stream channel or the 100-year flood plain.
  - (C) The expansion must not exceed an area of 15% of the footprint of the existing structure, at the time of the passage of these regulations, or use that lies within the Riparian Setback. Expansions exceeding 15% of the footprint within the Riparian Setback must be obtained through the variance process.

- (4) Non-residential structure or use expansions will be permitted only through the variance process.

#### Sec. 602-E BOUNDARY INTERPRETATION AND APPEALS PROCEDURE

- (1) When an applicant disputes the boundary of the Riparian Setback or the ordinary high-water mark of a stream, the applicant shall submit evidence to the Summit SWCD that describes the boundary, presents the applicant's proposed boundary, and presents all justification for the proposed boundary change.
- (2) The Summit SWCD shall evaluate all materials submitted and shall make a written recommendation to the Township Board of Zoning Appeals or the Summit County Planning Commission within a reasonable period not to exceed sixty days. A copy of this recommendation shall be submitted to the applicant. If during this evaluation the Summit SWCD requires further information to complete this evaluation, the applicant may be required to provide additional information.
- (3) The Township Board of Zoning Appeals shall decide such boundary disputes. The party contesting the location of the Riparian Setback or the ordinary high-water mark of the streams as determined by the Zoning Inspector shall have the burden of proof in case of any such appeal.

#### Sec. 602-F VARIANCES WITHIN RIPARIAN SETBACK

- (1) In accordance with Sec. 309: Variance or Conditional Use, the BZA may authorize a variance from the above development standards. Such a variance may include a reduction in the width of the riparian setback, or a modification of the requirements listed above.
- (2) As a condition for requesting a variance from these regulations, evidence shall be provided that the site and any construction to be done thereon have been reviewed by the Summit SWCD. The applicant shall be required to submit site plans to the Summit SWCD for their review.
- (3) A variance may be appropriate when it can be shown that strict application of these standards will result in the loss of a reasonable use of a property.
- (4) Conditions on such variances may include other reasonable and necessary measures to adequately protect the riparian environment, such as erosion control measures, new plantings of native vegetation, and stormwater management.

- (5) Expansions of residential structures or uses exceeding 15% of the footprint area, and expansions of non-residential structures or uses, are subject to subsections (5)(A) through (D) hereof.
  - (A) The expansion conforms to the existing zoning regulations.
  - (B) The expansion must not impact the stream channel or the 100-year flood plain.
  - (C) The expansion of a non-residential structure or use must not affect upstream or downstream hydrologic conditions, which could cause damage from flooding or streambank erosion to landowners in those areas. A hydrologic study must be completed by non-residential applicants only as a process of the variance application.
  - (D) The expansion of a non-residential structure or use will not exceed 25% of the footprint area. The 25% expansion limit is per the portion of the structure or use that lies within the Riparian Setback.
- (6) Requests for variances for subdivisions will be considered for the following:
  - (A) An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.
  - (B) A reduction of the setback width, not to exceed 10% of the prescribed Riparian Setback width.
- (7) No variances shall be granted for the following structures or uses:
  - (A) Impact to the stream channel resulting in the complete removal, fill, or dredge of stream.
  - (B) Facilities which use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to asphalt plants, dry cleaners, gasoline service stations, and road maintenance facilities.
  - (C) Facilities which use, store, distribute, or sell products which may contribute higher than acceptable concentrations of dissolved or particulate matter to stormwater runoff around the facility. Such facilities include but are not limited to landfills or transfer stations, junk yards, recycling facilities, quarries and borrow pits, sand and gravel extraction operations, and road salt storage barns.
- (8) In reviewing whether to grant variances, the Township Board of Zoning Appeals shall consider the following:
  - (A) The extent to which the requested variance impairs the functions of the riparian area. This determination shall be based on sufficient technical and scientific evidence.
  - (B) The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.

- (C) The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.
- (D) Whether a front, side or rear yard setback zoning variance or similar variance should be considered to maintain the required Riparian Setback area.

#### Sec. 602-G INSPECTION OF RIPARIAN SETBACK

- (1) The Riparian Setback shall be inspected by the Summit SWCD:
  - (A) When a preliminary subdivision plat or other land development plan is submitted to the Township.
  - (B) When a building or zoning permit is requested.
  - (C) Prior to any soil disturbing activity to inspect the delineation of the Riparian Setback as required under these regulations.
- (2) The Riparian Setback shall also be inspected annually or as time permits by the Summit SWCD or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the Summit SWCD that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

#### Sec. 602-H APPLICABILITY, COMPLIANCE, AND VIOLATIONS

- (1) The provisions of this regulation shall apply to all lands within Bath Township.
- (2) No preliminary plan, building, or zoning approvals shall be issued by the Township without full compliance with the terms of these regulations where applicable.
- (3) In addition to the Township's enforcement of the provisions of this Zoning Resolution, these requirements may be enforced through civil or criminal proceedings brought by the County of Summit Prosecutor on behalf of the County of Summit.

#### Sec. 602-I CONFLICTS WITH OTHER REGULATIONS AND SEVERABILITY

- (1) Where this chapter imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract or deed, the provisions of this chapter shall control.
- (2) These regulations shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in subsection
  - (1) hereof.

- (3) If any clause, section, or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

**Agency Comments:**

**SSWCD, Stephanie Deibel and Sasha Mikheidze:**

**Sec. 602-B (4) (D)** the last sentence of this section currently reads "All wetland delineations shall also include the latest version of the Ohio Rapid Assessment." It should read "All wetland delineations shall also include the latest version of the Ohio Rapid Assessment **Method (ORAM)**."

**Sec. 602-C (3) (F)** The section currently labeled as (j) was removed for Springfield Township as it's longer relevant since approvals typically last 1 year and the ordinance has been in place for nearly 20 years. Bath could consider removing this section entirely, or if they choose to keep it, change formatting to title this section (i)

It doesn't look like Bath Township has impervious surface defined in their zoning code so I attached a copy of a riparian definitions page that Julie and I recently updated for Springfield Township (I did switch out Springfield Township for Bath). Perhaps Bath could benefit from incorporating the definition section into their riparian code?

**DEFINITIONS**

To these regulations, the following terms shall have the meanings as provided herein.

- (a) **BEST MANAGEMENT PRACTICES (BMPs):** Conservation practices or protection measures which reduce impacts from a particular land use. Best management practices for construction are outlined in "Rainwater and Land Development, Ohio's Standard for Stormwater Management, Land Development, and Urban Stream Protection" prepared by the Ohio Department of Natural Resources (ODNR).
- (b) **COMMUNITY:** Bath Township, Summit County, Ohio.
- (c) **DAMAGED OR DISEASED TREES:** Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a structure.
- (d) **DESIGNATED WATERCOURSE:** A watercourse within Bath Township that is in conformity with the criteria set forth in these regulations.
- (e) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with overall responsibility for administering the National Flood Insurance Program.
- (f) **IMPERVIOUS COVER:** Any paved, hardened, or structural surface regardless of its composition including but not limited to buildings, roads, driveways, parking lots, decks, patios, and swimming pools, including rock, gravel, and prior land disturbance or compaction activity, and any surface that cannot effectively absorb or infiltrate water.
- (g) **LAND DEVELOPMENT ACTIVITY:** Any changes to the surface area of a lot including (but not

limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.

- (h) **NOXIOUS WEEDS:** Any plant defined as a "noxious weed and rank vegetation" in section 512.10 in the Codified Ordinances of the County of Summit, Ohio.
- (i) **100-YEAR FLOODPLAIN:** Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being exceeded in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined by the Federal Emergency Management Agency (FEMA) and as identified on FEMA maps.
- (j) **OHIO ENVIRONMENTAL PROTECTION AGENCY:** Referred throughout these regulations as the "Ohio EPA."
- (k) **ORDINARY HIGH-WATER MARK:** The point of the bank to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high-water mark defines the bed and bank of a watercourse.
- (l) **RIPARIAN AREA:** Land adjacent to a watercourse. Riparian areas, if appropriately sized, help to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of this ordinance.
- (m) **RIPARIAN SETBACK:** The area set back from a watercourse to protect the riparian area and stream channel from impacts of development, and to protect streamside residents from impacts of flooding and land loss through erosion. Riparian Setbacks are those lands within Bath Township that fall within the area defined by the criteria set forth in these regulations, including applicable wetlands, floodplain, and steep slope areas.
- (n) **SOIL AND WATER CONSERVATION DISTRICT:** An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as Summit SWCD or SWCD.
- (o) **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.
- (p) **STREAM:** A surface watercourse, either natural or artificial, with a defined bed and bank, which confines and conducts continuous periodical flowing water (ORC 6105.01) in such a way that terrestrial vegetation cannot establish roots within the channel.
- (q) **STREAM CHANNEL:** The channel through which a watercourse runs.
- (r) **TOWNSHIP:** Bath Township, Summit County, Ohio.
- (s) **WATERBODY:** An accumulation of water, covering the surface, including but not limited to lakes, reservoirs, wetlands, vernal pools, and ponds.
- (t) **WATERCOURSE:** A natural or artificial waterway, such as a stream, brook, channel, ditch, swale, creek, or river, with a defined bed and channel, and definite direction of course or flow. Flow may be continuous or brief, only during or following periods of rainfall/snowmelt, and may not be observed at all times during the year.
- (u) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, lakes, and similar areas. Wetland categories are assigned by Ohio EPA as defined in the Ohio Administrative Code (OAC) Rule 3745-1-54.

(S. Deibel) A quick thought-- Springfield Township recently updated the language of the riparian ordinance for their own use. These updates included some additional changes that may be of benefit for all our Townships to consider adopting. I'm not sure what the timeline is looking like for Bath but maybe they'd want to review what Springfield has put together? I'd be happy to meet with Bath to discuss those changes.

**Staff Comments:** Since the Township is updating the regulations it would be beneficial to take Stephanie Deibel of SSWCD up on her offer of additional changes that other Townships have recently made that may benefit Bath Township as well.

**Recommendation:** Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.





Planning Commission  
Zoning Text Amendment  
**Major Site Plans Public Notice**  
Copley Township

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**Item No.:** 3  
**Meeting:** June 29, 2023  
**Applicant:** Copley Zoning Commission  
**Proposal:** **Major Site Plans Public Notice**  
**Processor:** Stephen Knittel

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**Proposal:** The applicant has proposed that the Copley Township Zoning Resolution be revised to add language directing the submittal and public notice requirements of major site plans.

**Proposed Text Amendments:**

ARTICLE 13

NEW-SECTION 13.03 Procedures for Consideration and Approval of a Major Site Plan Application

A Major Site Plan is required for all modifications to and new construction of all, Non Residential, Commercial, Multi-Family, Transient and Uses Accessory Thereto.

Upon submission of a Major Site Plan application to the Zoning Inspector, a written notice of the review shall be mailed by Copley Township, by first class mail, at least ten days before the date of the review to all owners of property within and contiguous to and directly across the street from the area proposed within the Major Site Plan application to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such review. In addition to such notice by first class mail, a sign giving notice shall be placed on the property where the Major Site Plan is to be considered.

The published and mailed notices shall set forth the time, date, and place of the public review and include all of the following:

- (1) The name of the Commission/and or Board that will be conducting the review;
- (2) A statement indicating the purpose of the application;
- (3) The time and place where the Major Site Plan application will be available for examination for a period of at least ten days prior to the review;
- (4) The name of the person responsible for giving notice of the review by publication, by mail, or by both publication and mail;
- (5) Any other information requested by the commission.
- (6) The sign shall state "Public Meeting Notice: A Major Site Plan application has been filed for

the development of this property. For more information, visit the (website address) or contact Copley Township (Department name) (phone number)”

**Recommendation:** Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.

## PROPOSED TEXT AMENDMENT

### ARTICLE 13

#### NEW-SECTION 13.03 Procedures for Consideration and Approval of a Major Site Plan Application

A Major Site Plan is required for all modifications to and new construction of all, Non Residential, Commercial, Multi-Family, Transient and Uses Accessory Thereto.

Upon submission of a Major Site Plan application to the Zoning Inspector, a written notice of the review shall be mailed by Copley Township, by first class mail, at least ten days before the date of the review to all owners of property within and contiguous to and directly across the street from the area proposed within the Major Site Plan application to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such review. In addition to such notice by first class mail, a sign giving notice shall be placed on the property where the Major Site Plan is to be considered.

The published and mailed notices shall set forth the time, date, and place of the public review and include all of the following:

- (1) The name of the Commission/and or Board that will be conducting the review;
- (2) A statement indicating the purpose of the application;
- (3) The time and place where the Major Site Plan application will be available for examination for a period of at least ten days prior to the review;
- (4) The name of the person responsible for giving notice of the review by publication, by mail, or by both publication and mail;
- (5) Any other information requested by the commission.
- (6) The sign shall state "Public Meeting Notice: A Major Site Plan application has been filed for the development of this property. For more information, visit the (website address) or contact Copley Township (Department name) (phone number)"

## Section 519.12 | Zoning amendments.

Ohio Revised Code / Title 5 Townships / Chapter 519 Township Zoning

*Effective:* March 22, 2019 *Latest Legislation:* House Bill 500 - 132nd General Assembly

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(A)(1) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

(2) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A)(1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.

(B) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

(C) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:

- (1) The name of the township zoning commission that will be conducting the hearing;
- (2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
- (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
- (5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;

- (6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
  - (7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
  - (8) Any other information requested by the commission.
- (D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
- (1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;
  - (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
  - (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
  - (4) The name of the person responsible for giving notice of the hearing by publication;
  - (5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
  - (6) Any other information requested by the commission.
- (E)(1)(a) Except as provided in division (E)(1)(b) of this section, within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission, for approval, disapproval, or suggestions.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.

(b) The township zoning commission of a township that has adopted a limited home rule government under Chapter 504. of the Revised Code is not subject to division (E)(1)(a) of this section but may choose to comply with division (E)(1)(a) of this section.

(2) The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion,

application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

(3) The board of township trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication in one or more newspapers of general circulation in the township, at least ten days before the date of the hearing.

(F) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

- (1) The name of the board of township trustees that will be conducting the hearing;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
- (5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;
- (6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
- (7) Any other information requested by the board.

(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

- (1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment;
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
- (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
- (4) The name of the person responsible for giving notice of the hearing by publication;
- (5) Any other information requested by the board.

(H) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

"PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or number, or both, these should be inserted here) \_\_\_\_\_

A proposal to amend the zoning map of the unincorporated area of \_\_\_\_\_ Township, \_\_\_\_\_ County, Ohio, adopted \_\_\_\_ (date) \_\_\_\_ (followed by brief summary of the proposal).

To the Board of Township Trustees of \_\_\_\_\_ Township, \_\_\_\_\_ County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of \_\_\_\_\_ Township, included within the \_\_\_\_\_ Township Zoning Plan, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of \_\_\_\_\_ Township residing within the unincorporated area of the township included in the \_\_\_\_\_ Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on \_\_\_\_ (date) \_\_\_\_, pursuant to section 519.12 of the Revised Code.

Street Address Date of

Signature or R.F.D. Township Precinct County Signing

\_\_\_\_\_

STATEMENT OF CIRCULATOR

I, \_\_\_\_\_ (name of circulator) \_\_\_\_\_, declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing part petition



containing \_\_\_\_ (number) \_\_\_\_ signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section [3501.382](#) of the Revised Code.

\_\_\_\_\_

(Signature of circulator)

\_\_\_\_\_

(Address of circulator's permanent residence in this state)

\_\_\_\_\_

(City, village, or township, and zip code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than ninety days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.

No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists.

The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.



## Available Versions of this Section

July 2, 2010 – House Bill 48 - 128th General Assembly

March 22, 2019 – Amended by House Bill 500 - 132nd General Assembly



## ***ARTICLE 12 Zoning Commission and Zoning Amendments***

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### **12.01 Appointment and Composition of the Zoning Commission**

- A. The Township Zoning Commission shall comprise five residents of Copley Township appointed by the Trustees to five-year terms, with the terms staggered so that the term of one member expires each year.
- B. The appointment of alternate members of the Zoning Commission and the removal of members of the Zoning Commission shall be governed by the provisions and procedures specified in O.R.C. § 519.04.

### **12.02 Meetings and Duties of the Zoning Commission**

- A. The Zoning Commission shall meet regularly for the purpose of regulating land use within the Township in accordance with the Comprehensive Land Use Plan and Copley Township Zoning Resolution. Actions of the Zoning Commission are subject to the approval of the Board of Trustees.
- B. The Zoning Commission shall meet as required to consider proposed Amendments to the Copley Township Zoning Resolution. Actions of the Zoning Commission are subject to the approval of the Board of Trustees.

### **12.03 Initiation of Zoning Amendments**

Amendments to the Zoning Resolution may be initiated by:

- A. Motion of the Township Zoning Commission, or
- B. Passage of a Resolution by the Copley Township Trustees and subsequent certification to the Township Zoning Commission, or
- C. Filing an application with the Zoning Commission by one (1) or more owners of property within the area proposed to be changed or affected by the proposed amendment to the Township Zoning Resolution.

### **12.04 Application for Amendment of the Zoning Resolution**

- A. When a proposed amendment to the Zoning Resolution would result in a change in the text of the Zoning Resolution but would not result in a change of zoning classification of any specific property, the applicant shall submit a written statement to the Zoning Commission explaining the nature and effect of the proposed amendment, identifying the areas which are most likely to be directly affected by such change and in what way they will be affected, demonstrating how the amendment is consistent with the intent and purpose

of the Comprehensive Land Use Plan and this Zoning Resolution.

- B.** When a proposed amendment to the Zoning Resolution would result in a change in the zoning classification of any specific property, the applicant shall submit a written statement to the Zoning Commission containing the following:
1. A legal description of the property.
  2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location and stating the area of the property in square feet and/or acres.
  3. A listing of all property owners contiguous to and directly across the street (name, address, city, state and zip code).
  4. The name, address and phone number of the applicant.
  5. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner(s).
  6. Description of the present use of the property and existing zoning.
  7. Description of the proposed use of the property, the requested zoning, and, if applicable, the time schedule for development.
  8. Explaining how the amendment is consistent with the intent and purpose of the Comprehensive Land Use Plan and this Zoning Resolution.
  9. Additional exhibits as may be required by the Zoning Inspector such as a plot plan or site plan showing existing and proposed structures, easements, watercourses, curb cuts and description of the use of adjoining property that are necessary to describe existing or proposed conditions.
- C.** An application for an amendment to the Zoning Resolution shall be accompanied by the payment of a fee in an amount determined by the fee schedule adopted by the Township Trustees, which fee shall not be refundable.

#### **12.05 Procedures for Consideration and Adoption of Amendments to the Zoning Resolution**

The procedures for the consideration and adoption of amendments to the Zoning Resolution shall be those provided for in O.R.C. § 519.12.

#### **12.06 Amendment to Definition**

Whenever an amendment is made to the Zoning Resolution, the appropriate definitions pertinent to such amendments shall be included in Article 2 of the Zoning Resolution

#### **12.07 Amendments to Comprehensive Development Plans (CDP)**

The procedures for the consideration and adoption of amendments made to the Comprehensive Development Plan shall be those provided for in O.R.C. § 519.12.



Planning Commission

Variance

## Sunset Drive ROW

Copley Township

### EXECUTIVE SUMMARY

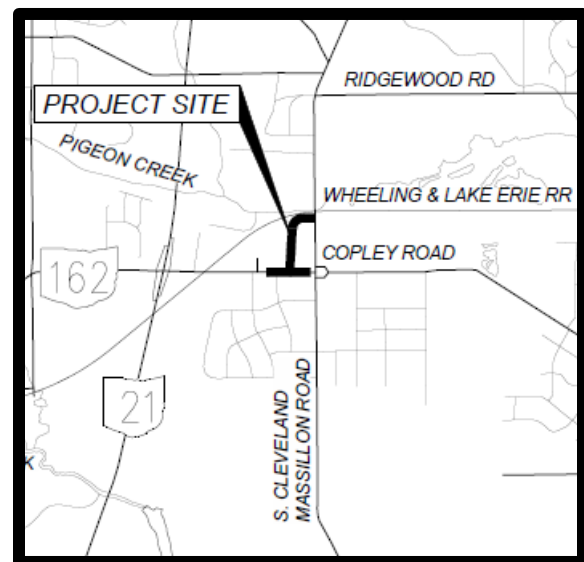
The site is located in Copley Township, off of Copley Rd. west of Copley Circle. The applicant has a conditionally approved Preliminary Plan proposing an extension to Sunset Drive to have the roadway continue North and then turn East to access S. Cleveland Massillon Rd. The applicant is requesting a variance from 1108.05 Public Street Right-of-way Widths and Grades. The request is to allow for a 50' ROW where the Subdivision Regulations require a 60' ROW.

Staff recommends: **Disapproval**

<b>Meeting:</b>	<b>June 29, 2023</b>	<b>Parcels:</b>	<b>1502420 &amp; 1502473</b>
<b>Item No.:</b>	<b>4</b>	<b>Council Dist.:</b>	<b>5</b>
<b>Engineer:</b>	<b>CESO</b>	<b>Processor:</b>	<b>Stephen Knittel</b>
<b>Zoning:</b>	<b>I - Industrial</b>		

**Location:** The site is located in Copley Township, off of Copley Rd. west of Copley Circle..

**Proposal:** The applicant has a conditionally approved Preliminary Plan proposing an extension to Sunset Drive to have the roadway continue North and then turn East to access S. Cleveland Massillon Rd. The applicant is requesting a variance from 1108.05 Public Street Right-of-way Widths and Grades. The request is to allow for a 50' ROW where the Subdivision Regulations require a 60' ROW.



### **1a. Variance Request:**

The applicant is requesting a variance from Subdivision Regulation 1108.05 Public Street Right-of-way Widths and Grades:

### **1108.05 PUBLIC STREET RIGHT-OF-WAY WIDTHS AND GRADES.**

(Refer to County Engineer Specs and Details for typical roadway sections).

#### **PUBLIC RIGHT OF WAY WIDTH, MAXIMUM AND MINIMUM GRADES POSTED SPEED, DESIGN SPEED AND MINIMUM CENTERLINE RADIUS**

CLASSIFICATION	MINIMUM RIGHT OF WAY * WIDTH (FEET)	PAVEMENT WIDTH (FEET)		GRADE		POSTED SPEED (MPH)	MAXIMUM DESIGN SPEED (MPH)		MINIMUM CENTERLINE RADIUS (FEET)
		CURB	NO CURB	MAX.	MIN.				
ARTERIAL STREET	80'	28'	24'	6%	0.5%	55		60	1200'
COLLECTOR <u>STREET</u>									
Commercial & Industrial	70'	30'	26'	6%	0.5%	45 35	50 40		800' 500'
Residential	60'	28'	24'	8%	0.5%	45 35	50 40		800' 500'
LOCAL									
Residential, Light Traffic	50'	24'	22'	10%	0.5%	25		30	250'
Res., Medium Traffic	50'	26'	24'	8%	0.5%	25		30	250'
Commercial & Industrial	60'	30'	26'	6%	0.5%	25		30	250'
Emergency Access	40'	20'	18'	15%	0.5%	--		25	150'

- (1) There shall be an additional minimum ten (10) foot wide utility easement adjacent to the proposed right of way lines on both sides of the street.
- (2) Between reverse curves there shall be a tangent at least 100 feet in length.
- (3) A residential, light traffic road is a dead end or cul-de-sac street serving less than 25 sublots.

The following narratives were submitted in response to the questions posed in the variance application. Staff comments are ***bold and italicized***.

- i. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land? If, so please explain.

The development of this roadway is within existing development in a fully developed part of Copley. The constraints from developed surrounding properties the roadway make area for increased right-of-way very difficult. Furthermore, the presence of the railroad to the north limits expansion of the right-of-way when

including detention and sufficient land for the new police and fire facility.

***There are not exceptional topographic or other physical conditions peculiar to this parcel.***

- ii. What is the unnecessary hardship which will result from a literal enforcement of the Subdivision Regulation owing to the special conditions set forth in subparagraph (i.) herein?

The surrounding development that exists limiting ability to increase right-of-way within land owned by the Township. Additionally, roughly 1,000 FT of right-of-way exists today at 50', increasing dimensions of that right-of-way would result in loss of additional land for local residences and businesses. Location of the railroad to the north limits land for detention and expansion of right-of-way.

***The applicant would not be able to develop the plan for a through street of Sunset Drive that connects out to S. Cleveland Massillon Rd. as the required ROW width and the required stormwater controls would conflict with each other with the current plan.***

- iii. Did the special conditions specified in subparagraph (i.) result from previous actions by the applicant? Please explain.

The only special conditions the Township was involved in was the prior acquisition of the existing 50' right-of-way that is in place and was approved by Summit County in 2020 through the dedication process.

***No.***

- iv. Explain whether the variance requested is substantial.

We do not believe it is substantial. It is a 16% reduction in right-of-way per the 60' requirement. This does not impact the ability to provide the necessary public improvements within the right-of-way.

***The variance request is not substantial, as the applicant states the reduction of ROW would not cause use nor safety issues.***

- v. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

The essential character would not change in our opinion. The right-of-way that is existing is 50' today and increasing it to 60' would have a detriment on the properties owner today as well as the proposed development area needed to provide detention and the proposed safety center.

***The essential character would not change.***

- vi. Will the variance adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land?

We do not believe it will affect the delivery of services. The road design will still meet local road standards in the Subdivision Regulations that all police and fire departments work well with. Allowing a secondary access to this land from Cleveland- Massillon will improve access to all properties along Sunset Drive. Increasing the right-of-way would reduce land available for detention areas necessary for government stormwater oversight.

***This variance would not adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land.***

- vii. Explain whether the Subdivision Regulation was in effect at the time of acquisition of the property by the applicant and whether the applicant purchased the property with the knowledge of the Regulation.

Yes the property was purchased at the time the Subdivision Regulations were in place. The regulation was likely not considered with the uncertainty of how the surrounding property would be designed.

***Yes, per the applicant the property was purchased at the time the Subdivision Regulations were in place.***

- viii. Explain whether the applicant's predicament can be feasibly solved through some method other than a variance.

We do not believe so. Increasing the right-of-way width will take property from private land owners and reduce land available to construct the safety center which has been designed to meet the needs of Copley safety forces. As mentioned, it will also reduce the available land to provide adequate stormwater detention.

***The applicant would not be able to develop the plan for a through street of Sunset Drive that connects out to S. Cleveland Massillon Rd. as the required ROW width and the required stormwater controls would conflict with each other with their current plan.***

- ix. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest.

The road design is still meeting local road requirements per the subdivision



regulations and is very short in length. It will feature very few additional properties than what is existing today that will require the increased road requirements of a commercial subdivision.

***This variance would not adversely affect the use and or delivery of the private and the public, governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land.***

- x. Explain how the spirit and intent behind the Subdivision Regulations will be observed if the variance is granted.

The road design is still meeting local road requirements per the subdivision regulations and is very short in length. It will feature very few additional properties than what is existing today that will require the increased road requirements of a commercial subdivision.

***The spirit and intent of the following purposes and objectives of the Regulations as listed in § 1101.02:***

- (a) The proper arrangement of streets or highways in relation to existing or proposed streets and highways and the thoroughfare plan.  
***This variance request is to allow for a 50' ROW where the Subdivision Regulations require a 60' ROW.***
- (b) Adequate and convenient open spaces for traffic, utilities, access for firefighting apparatus, recreation, light and air, and the avoidance of congestion of the population.  
***This variance would not adversely affect the delivery of governmental services, including but not limited to, access by firefighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land.***
- (c) The orderly, efficient, and appropriate development of land.  
***This would not impact the orderly, efficient and appropriate development of land.***
- (d) The orderly and efficient provision of community facilities at minimum cost and maximum convenience.  
***This would allow for construction of a roadway to tie a proposed Township Safety Forces building at maximum convenience.***
- (e) Safe and convenient vehicular and pedestrian movement.  
***This variance would not adversely affect the safe and convenient vehicular and pedestrian movement.***
- (f) The promotion of public health, safety, comfort, convenience, prosperity, and general welfare, and the protection of the environment.  
***This variance request would not negatively impact public health, safety, comfort, convenience, prosperity, and general welfare, and the protection of the environment.***

- (g) The accurate surveying of land, preparing and recording of plats.  
*This would not impact the accurate surveying of land, preparing and recording of plats.*
- (h) The equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and Developer as defined herein.  
*This would not impact the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and Developer as defined herein.*

- xi. Explain how the requested variance is the minimum variance to the Subdivision Regulations that will allow for a reasonable division of land.

The variance is to allow for a reduction of 5' on each side of the right-of-way that still meets local residential standards and is what out there today. This is the maximum amount of right-of-way that can be provided to fit the necessary parcel for the safety center and stormwater detention basins per Summit County's stormwater manual.

*The applicant would not be able to develop the plan for a through street of Sunset Drive that connects out to S. Cleveland Massillon Rd. as the required ROW width and the required stormwater controls would conflict with each other with the current plan.*

**Staff Comments:** Variances are to alleviate unnecessary hardships imposed by literal enforcement of the subdivision regulations due to exceptional topographic or other physical conditions peculiar to a parcel.

The Subdivision Regulations require 60 ft. of right-of-way, the applicant is requesting a variance to reduce the right-of-way to 50 ft.

Staff does not see an unnecessary hardship presented other than the previously conditionally approved preliminary plan would not be able to be developed.

**Staff Recommendation:** Staff recommends the SCPC **DISPROVE** the Variance Request.

## APPENDIX E – APPLICATION FOR VARIANCE



**County of  
Summit,**  
Russell M. Pry,  
Executive

### Variance Application

Department of Community and Economic  
Development  
Ohio Building - Suite 207 - 175 S. Main St. - Akron, OH 44308

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#### APPLICANT INFORMATION

Applicant Copley Township Board of Trustees  
Address 1540 S. Cleveland-Massillon Road, Copley, OH 44321  
Phone 330-666-1853  
Email lklein@copley.oh.us

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#### OWNER INFORMATION

Owner .  
Address SAME AS ABOVE  
Phone  
Email

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#### SITE INFORMATION

Name of Subdivision  
or Address Sunset Drive Preliminary Plan, Sunset Drive @ Copley Road to Cleveland-Massillon  
Location 1280 Sunset Drive, Copley, OH 44321  
Parcel No.'s NA - Variance Request is for ROW dimensions  
Creating Sublots Yes  
Acreage Approx. 12.6  
Water Provider City of Akron  
Septic or Central Sewer Provider City of Akron or Summit County DSSS

<b>FILING FEES</b>	
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<b>Variance Fees</b>	<b><u>\$300.00 per Variance Request</u></b>
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#### VARIANCE INFORMATION

Nature of Subdivision regulation Variance required: (Describe generally the nature of the variance.)  
Requesting a 50' ROW for a local commercial subdivision roadway

Provide the specific Subdivision Regulation from which a variance is requested:  
Article:

Section:  
1108.05 PUBLIC STREET RIGHT-OF-WAY WIDTHS AND GRADES

## APPENDIX E – APPLICATION FOR VARIANCE (Page 2)

### **JUSTIFICATION OF VARIANCE:**

Applicant shall provide written justification for the requested variance by responding to the following questions.

**1. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land? If so, please explain.**

The development of this roadway is within existing development in a fully developed part of Copley.

The constraints from developed surrounding properties the roadway make area for increased right-of-way very difficult. Furthermore, the presence of the railroad to the north limits expansion of the right-of-way when including detention and sufficient land for the new police and fire facility.

**2. What is the unnecessary hardship which will result from a literal enforcement of the Subdivision Regulation owing to the special conditions set for in subparagraph (1.) herein?**

The surrounding development that exists limiting ability to increase right-of-way within land owned by the Township. Additionally, roughly 1,000 FT of right-of-way exists today at 50', increasing dimensions of that right-of-way would result in loss of additional land for local residences and businesses. Location of the railroad to the north limits land for detention and expansion of right-of-way.

**3. Did the special conditions specified in subparagraph (1.) result from previous actions by the applicant? Please explain.**

The only special conditions the Township was involved in was the prior acquisition of the existing 50' right-of-way that is in place and was approved by Summit County in 2020 through the dedication process.

**4. Explain whether the variance requested is substantial.**

We do not believe it is substantial. It is a 16% reduction in right-of-way per the 60' requirement. This does not impact the ability to provide the necessary public improvements within the right-of-way.

**5. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.**

The essential character would not change in our opinion. The right-of-way that is existing is 50' today and increasing it to 60' would have a detriment on the properties owner today as well as the proposed development area needed to provide detention and the proposed safety center.

**6. Will the variance adversely affect the delivery of governmental services, including but not limited to, access by fire fighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land?**

We do not believe it will affect the delivery of services. The road design will still meet local road standards in the Subdivision Regulations that all police and fire departments work well with. Allowing a secondary access to this land from Cleveland-Massillon will improve access to all properties along Sunset Drive. Increasing the right-of-way would reduce land available for detention areas necessary for government stormwater oversight.

**7. Explain whether the Subdivision Regulation was in effect at time of acquisition of the property by the applicant and whether the applicant purchased the property with the knowledge of the Regulation.**

Yes the property was purchased at the time the Subdivision Regulations were in place. The regulation was likely not considered with the uncertainty of how the surrounding property would be designed.

## APPENDIX E – APPLICATION FOR VARIANCE (Page 3)

8. Explain whether the applicant's predicament can be feasibly solved through some method other than a variance.

We do not believe so. Increasing the right-of-way width will take property from private land owners and reduce land available to construct the safety center which has been designed to meet the needs of Copley safety forces. As mentioned, it will also reduce the available land to provide adequate stormwater detention.

9. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest.

The road design is still meeting local road requirements per the subdivision regulations and is very short in length. It will feature very few additional properties than what is existing today that will require the increased road requirements of a commercial subdivision.

10. Explain how the spirit and intent behind the Subdivision Regulations will be observed if the variance is granted.

The road design is still meeting local road requirements per the subdivision regulations and is very short in length. It will feature very few additional properties than what is existing today that will require the increased road requirements of a commercial subdivision.

11. Explain how the requested variance is the minimum variance to the Subdivision Regulations that will allow for a reasonable division of land.

The variance is to allow for a reduction of 5' on each side of the right-of-way that still meets local residential standards and is what out there today. This is the maximum amount of right-of-way that can be provided to fit the necessary parcel for the safety center and stormwater detention basins per Summit County's stormwater manual.

### **ACTION OF THE SUMMIT COUNTY PLANNING COMMISSION SHOULD BE SENT TO:**

Name Loudan Klein, Dir. of Community and Economic Development

Address 1540 S. Cleveland-Massillon Road

Phone 330-666-0108

Email lklein@copley.oh.us

Respectfully submitted this 2nd day of June 2023,

I certify that all information contained in this application and its supplements are true and correct.

Applicant's or Authorized Representative's Signature		Date
Fee Amount Paid:	Date Application Received:	
Number of Lots: _____	Staff: _____	

MODEL: SCHEMATIC PLAN PAPERSIZE: 34X22 (in.) DATE: 4/19/2023 TIME: 11:00:52 AM USER: BREANNA.SOULE  
W:\PROJECTS\COPLEY TOWNSHIP\759149 Sunset Drive Extension\03-CIVIL\PLAN\ROADWAY\BASE\759149-GB001.dwg

PROPOSED PROPERTY INFORMATION		
◆	SQUARE FOOTAGE	ACREAGE
◆A	122,975	2.82
◆B	54,161	1.24
◆C	33,809	0.78
◆D	33,745	0.77
◆E	15,556	0.36

**LEGEND**

 SEE SHEET 1 FOR PROPERTY OWNER INFORMATION

1. EASEMENTS AS SHOWN ON THIS PLAN SHALL BE DEDICATED TO COPELEY TOWNSHIP.
2. RESERVE 'A' SHALL BE OWNED BY COPELEY TOWNSHIP
3. STORMWATER FEATURES SHALL BE MAINTAINED BY THE SUMMIT COUNTY DRAINAGE ENGINEER.
4. SETBACKS ARE MEASURED FROM THE SUNSET DRIVE RIGHT-OF-WAY AND PROPERTY LINES.

