

Zoning Commission

November 10th

2010

ATTENDING:

Larry Schrader
Dave Duma
Janelle Albertoni
Bill Arnold
John Yeargin

Jeff Childers
Jim Albertoni
Jim Demboski
David Vartenuk

Mr. Schrader called the meeting to order with the reciting of the Pledge of Allegiance followed by roll call at 7:03 p.m.

Mr. Schrader thanked Mrs. Albertoni for chairing the October meeting.

Mr. Schrader said he was looking at the minutes from October and noticed the commission decided to wait for his input before reviewing the daycare issue. He then asked Mr. Yeargin to begin the discussion.

Mr. Yeargin noticed that Portage County Regional Planning Commission (PCRPC) added the reference to ORC 5104.54 to a number of the sections. He then suggested that we review some of the permitted use districts.

Mr. Monroe mentioned that according to the Ohio Revised Code (ORC) that a type B daycare is allowed in a single family home. After a lengthy discussion Mr. Yeargin stated we need to remove how the Type A and Type B designations will be allowed in each district. After considerably more discussion Mr. Yeargin made a motion to adopt "Day Care Facilities as reviewed this evening in the following sections; page 8 Definitions: change the title of #3 to Day Care Facility; page 52 SEC. 401.2.A USES: add "# 6. Day Care Facility pursuant to ORC 5104.054."; page 69 SEC. 410.05.A.2 USES: add "i. Day Care Facility pursuant to ORC 5104.054."; page 71 SEC. 410.05.A.4.b USES: modify to "Day Care Facilities provided that the applicant presents proof of compliance with the following requirements."; page 93 SEC. 411.2.B USES/Conditionally Permitted Uses: add "12. Day Care Centers (as described in definitions) provided that the applicant presents proof of compliance with the following requirements:

1. The site and structure shall meet the applicable state code requirements.
2. These facilities shall not provide overnight accommodations.
3. A drop-off/pick-up location shall be identified that will not impede traffic and shall ensure the safety of the adults and/or children.
4. Outside areas for activities shall be fenced for the protection of the adults and/or children. Fencing height and design shall be in accordance with SEC. 301.2.S Fences, Walls, Hedges.
; page 132 SEC. 801.3.16.B Home Based Business: add "9. Day Care Facility pursuant to ORC 5104.054 shall be permitted in all zoning districts in which residential zoning is permitted.". The motion was seconded by Mrs. Albertoni, all of the commission members were in favor of the motion.

Mr. Monroe brought to the commission the page numbers of the sections that he believes Forced Air Burners should be added to the resolution.

Mr. Duma wanted to know how and why we needed to add a special designation for the same equipment one heating water, the other air. Why would one need to have ten (10) feet of clear space while the other would only require four (4), he stated that they need the same requirements.

Mr. Yeargin said he was more concerned about the 250 feet from the lot line requirement. Mr. Schrader replied that if the lots or houses are not that far apart we will have to let the BZA figure that out on a case by case basis. Mr. Yeargin added that the EPA recently changed the guidelines for chimney/stacks.

A motion was made by Mr. Schrader to modify SEC. 801.8.D to read "Burner cannot be installed less than ten (10) feet to the building to be serviced (four (4) feet for Forced Air Burners). Included in

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that motion in SEC. 801.8.E.3 add “beyond the peak of the house” at the end of the sentence, both items are located on page 158. The motion was seconded by Mr. Duma. During the vote Mrs. Albertoni Abstained; Mr. Yeargin voted No; Mr. Schrader, Mr. Arnold, and Mr. Duma voted Yes in favor of the motion. Motion approved. The secretary will modify the title of the definition on page 19 for burners.

Mr. Monroe mentioned that on page 133 SEC. 801.3.16.D.6 needs to be reviewed because he feels it is a dangerous stipulation to have written.

Mr. Schrader asked the commission to review the minutes from the October 13th meeting. A motion was made by Mr. Duma approve the minutes as written, seconded by Mr. Arnold. All voted in favor of the motion.

Mr. Schrader received notice from the trustees that we have only used 5.5 hours of our allotted time with PCRPC this year.

Mr. Schrader asked if there were any further comments.

Mr. Schrader mentioned the next meeting will held at 7:00 P.M. on Wednesday December 8th.

A motion to adjourn the meeting was made by Mr. Yeargin, and seconded by Mrs. Albertoni. All of the commission members voted in favor of the motion to adjourn at 9:10 P.M.

Larry Schrader - Chairman

Adam Bey – Zoning Com. Sec.

During the Zoning Commission meeting held December 8th, 2010 these minutes were approved as prepared with a motion by Mr. Arnold that was seconded by Mr. Yeargin. All of the commission members voted in favor of the motion to approve the minutes as prepared.