

# WATERVILLE TOWNSHIP ZONING BOARD MEETING

621 Farnsworth Road, Waterville, OH

March 15, 2021

## Zoom Meeting:

<https://us02web.zoom.us/j/88304873919?pwd=UUhzWmV2ZWYzakdQM0RrQUZaUUpsQT09>

Meeting ID: 883 0487 3919      Passcode: 539243

### Zoning Board Members

William Burkett  
Shelly Hayes, Vice Chair  
Rich Hertzfeld  
Keith Moosman  
Tom Wardell, Chair

Alternate Bob Long

### Zoning Secretary

Patty Rupert

### Township Trustees

Kyle Hertzfeld  
Duke Wheeler  
Vacancy

### Deputy Fiscal Officer

Peggy Michael

### Township Zoning Inspector

Jim Fischer

## MINUTES

1. **Call to Order** – Meeting was called to order by Chairman Tom Wardell at 7:00 p.m. Everyone in attendance joined in the Pledge of Allegiance.
2. **Roll Call** - Board members in attendance were Bill Burkett, Shelly Hayes, Keith Moosman, Tom Wardell and Bob Long. Also in attendance were Zoning Inspector Jim Fischer, Zoning Secretary Patty Rupert, and Guest John Widmer.
3. **Approval of Agenda for March 15, 2021** – **Shelly Hayes** made the motion to approve the agenda as presented, **Keith Moosman** seconded. **MOTION PASSED.**
4. **Public Comments** – Since there are no public comments, Chair Tom Wardell chose to move John Widmer up on the agenda for the Zoning Resolution review.

### **Zoning Resolution Review – John Widmer**

The last time a review was held with this board was in January, 2020. Began today's review with notes on where we left off since our last meeting.

- Solar Panels. Issued new information with additional information per request of this zoning board. Reviewed with new information he sent to the board dated March 16, 2021. Accommodates roof as well as on-ground solar panels. Allows panels on the ground to be the same height as accessory buildings. Our current height allows 25 ft. This is pretty high compared to other communities allowing 16-20 ft. Height is the only issue he is aware of. Should not allow solar access between property owners. Property owners can however enter into easement agreements so planting of trees and such does not block access to needed light requirements of neighboring solar panels. Wind turbines, communication towers, solar panels should be addressed in code to maintain working order. Board discussed height requirements compared to other communities and what is available for residential installation. A 20 ft. height maximum was agreed upon. This correlates with a 20 ft. ridge line maximum for building requirements.
- Signs – Required changes due to US Supreme Court ruling. No other townships in Lucas County have updated their sign code to accommodate this ruling. Main things to understand is the US Supreme Court ruled content based distinctions will always be unconstitutional.

Also, sign codes must be content neutral. Base it on the activity such as a property is for sale. After sold, it needs to be removed. Most of the revisions deal with non-commercial content. The Supreme Court ruling was based on non-commercial content. Key points to remember is square footage requirements and duration. (ie. Developer open house for new homes.) Tried to make language as neutral as possible. Only inconsistency is on page 12-3 regarding temporary signs. Section 12.5.c.4, Banner Definition was moved from definitions as it really belongs in codes. Added the 30 days per year restriction to be consistent with #1 in Temporary Signs. Should all be consistent and treated the same. Political signs are now being called "Bandit" signs. Being used in other communities. 60-Day limit. Could change to 30 days to be consistent with other signs. People generally put up political signs longer than 30 days. Snap, or Yard signs have a 7-Day requirement. On temporary material and not meant to last for long periods of time. Question came up regarding Electronic Message Centers (Section 12.7.c) and how you control brightness distraction to avoid hazard. There is a way to measure lumens and control brightness from day to night. Copied from other townships, this was the bare minimum. You would want equipment certified to use as evidence in case needed for court evidence. Can be expensive. Has detailed criteria for lighting if we want to pursue more detail. Tried very hard not to change intension of our sign code, just wanted to make sure it was content neutral to comply with Supreme Court decision.

- Changing "Special Use Permits" to "Conditional Use". Will now be approved by BZA rather than Township Trustees, to conform with Ohio Revised Code (2015). Other townships have already done this.
- Section 13 is a new section. Common Review Procedures. Introduces procedures all in one place. Attention was called to Section 13.5.3.d. John's thoughts were perhaps this language was too strong for our township. Jim Fischer feels charging twice for a mistake or incomplete site plan is not necessary. John will make changes as discussed. Section 13.5.5 – When application is made in error a refund should be returned to the applicant. Section 13.12.1 gives the Zoning Inspector leeway in allowing insignificant changes to an already completed application.
- Remaining issue to think about for next meeting is our current fee for zoning violation is \$500. Suggesting we change to the maximum allowed by Ohio Revised Code. If a case ever goes to court, it would give our prosecutor some leverage in negotiating a fee. (Section 19.3 - Penalties)
- Patty will send John Widmer mailing addresses for the board so he can send out hard copies of future revisions/sections by mail.
- Zoning Commisison manages the regulations. Patty was wondering when to get the BZA involved in our plans for updates. Presenting draft to BZA will be a great run thru as a precursor to public hearings.
- Air B&B rentals was a previous discussion. The zoning board would like to deter these in the township. Any current Air B&Bs would be grandfathered. John will work on language. Use depends on how active an owner has been in there use. One particular issue is the township does not have enough resources to make sure these properties are properly inspected.
- Deck information appears to be missing from our regulations. John will offer some suggestions.
- Recreational RV Parks – township would like to make this a prohibited use. If the BZA decides not to grant use of these parks, the township can keep a book of records of these directives and interpretations of the zoning code.
- Medical Marijuana Facilities – ORC now allows municipalities and township to regulate. John will put a place in the code for it. He will come up with language to either regulate or prohibit. Feels it needs to be addressed.

- Alternates to both boards can be addressed in the zoning code according to ORC.

5. **Review Meeting Minutes** – February 15, 2020 – **Keith Moosman** made the motion to approve the minutes as submitted, **Shelly Hayes** seconded. **MOTION PASSED.**

6. **Correspondence – Patty Rupert** - None

7. **Zoning Inspectors Report – Jim Fischer**

Permit No. 005 – new home permit for  
Seneca Builders (spec. home)  
8531 Valley Gate, Lot 50, Plat 3, Coventry Glen  
Waterville, Oh 43566

Agent – Karen Hensley Agent  
Collected \$250.00 Ck. No. 10636

Permit No. 006 – new home permit for  
Joseph and Jennifer Sobczak  
6334 Josie Court (Telluride)  
Waterville, Oh 43566

Agent – Nicki, Josh Doyle Homes  
Collected \$250.00 Ck. No. 4911

Permit No. 007 – new home permit for  
Matthew and Sara Lyn Cooper  
8473 Justin Lane, (Crimson Hollow)  
Waterville, Oh 43566

Agent – Nicki, Josh Doyle Homes  
Collected \$250.00 Ck. No. 4942

Permit No. 008 – new fence permit for  
David Potts

6547 Hutchinson Drive  
Waterville, Oh 43566  
Collected \$50.00 Ck. No. 2882

02-17-2021 – I spoke with Kevin, from the Verizon office in Pennsylvania. He was inquiring if a permit was required to replace an existing satellite antenna on their cell tower. It is normal maintenance, not anything new. No additional permit is necessary.

Discussion took place on what constitutes routine maintenance (no permit) and what is considered a major upgrade requiring a permit. Need to be consistent with Cell Towers, Wind Turbines, Radio Towers, etc.

03-10-2021 – I spoke with Steve Haile who lives in Coventry Glen about accessory building setback requirements, etc. Also advised to check with their HOA to see accessory buildings are allowed. He will contact me when he is ready for a permit.

8. **Zoning Resolution Review** – Covered under public comments.

9. **Old Business – Special Use Permit Review**

a. Letters to Permit Holders – Letters went out to the two horse boarding and training facilities. Permit Numbers Z22-C107 & Z22-C73. A return form was included for the permit holder to update contact information and to indicate whether or not this is still a valid operation. Remainder of letters can be sent out as those permits are reviewed. Bill Burkett stated we

need to be specific of what were looking for in future and a blanket response for may not be the way to go. SUP's should not be combined, conditions and recommendations change with each amendment. At this point, Patty needs more guidance going forward. Is a physical inspection of each permit required?

- b. Updated Spreadsheet – Few additional lines can be tweaked (eliminated) on spreadsheet listing.
- c. Keith Moosman Recommendations & Conditions – All original recommendations and conditions are in place and being met. Patty will update comments to indicated everything is current.
- d. Still need to address churches and metroparks.

Special Use Permits are still Special Use Permits and will not be considered Conditional Use Permits until changes to Zoning Regulations are adopted.

**10. New Business** - None

**11. Trustee Comments** – To date there has been no appointment from Probate Court. Went to the Judge after trustees were unable to agree on the appointment (January 23, 2021). Judge has reached out to candidates.

**12. Member Comments** - None

**Adjournment** – With no further business to discuss, **Keith Moosman** made the motion to adjourn. **Bob Long** seconded. **MOTION CARRIED**

Next meeting April 14, 2021