

Hambden Township
Zoning Commission Regular Meeting
Monday, March 7, 2016
Dr. Solomon Bond Room, 13887 G.A.R. Highway
Chardon, Ohio 44024

The Hambden Township Zoning Commission met on Monday, March 7, 2016, beginning at 7:00 p.m. with Chair Helen Scheuring presiding.

The following members were in attendance: Richard Acquaviva, Connie Locke; and Phil Smith.

Member not in attendance: Chuck Grasser, and Lois Cox.

Also present were: Keith McClintock, Township Trustee; Scott Yamamoto, Township Trustee; Joan Vaughan, resident; Margie Vaughan, resident; Mike Locke, resident; and Darlene Welch, Zoning Secretary.

Mrs. Scheuring called the public meeting to order, and the Pledge of Allegiance was recited.

Mrs. Scheuring mentioned all the Zoning Commission changes in membership due to the following: Mr. Yamamoto appointed as Township Trustee; appointment of Mr. Grasser to fill Mr. Yamamoto's seat; the retirement of Mrs. Welch; and, the appointment of Mr. Acquaviva as Assistant Zoning Inspector/Secretary, effective March 9, 2016.

Mrs. Scheuring welcomed the guests, and inquired if they had any questions or concerns.

Mrs. Joan Vaughan, and Ms. Margie Vaughan stated that they are interested in any discussion regarding nonconforming residential buildings located in the commercial zoning districts.

Mr. Yamamoto mentioned that he was in attendance to return to his Zoning Commission workbooks.

At this time, Mrs. Scheuring requested taking "Unfinished Business" on tonight's agenda out of order. There was no objection from the Zoning Commission members to depart from the agenda order.

Unfinished Business

Proposed Changes to Article IX Nonconforming Uses

Mr. Acquaviva presented the members with a copy of proposed language regarding single family residential nonconforming homes in the commercial districts. Mr. Acquaviva stated that the majority of the language was taken from the information provided by David Dietrich, Geauga County Planning Director. In the email dated February 1, 2016, a copy of Auburn Township's provisions on nonconforming residential homes was provided for review. Mr. Acquaviva believes that the proposed language offered tonight is the best relief for the reconstruction of a nonconforming residential home; if the home was totally destroyed. A review of the proposed language was completed. The members agreed to control the size of the reconstructed building by adding the square footage requirements of a single and two story building to the proposed language.

Ms. Margie Vaughan questioned whether the financial banking industry would accept this language. She also asked if an existing home was small that the required square footage – could it be rebuilt. Mr. Acquaviva suggested that if her banker has any questions; they can contact him, but at this time no letter can be drafted confirming a nonconforming residential home can be rebuilt if totally destroyed. Mr. Acquaviva mentioned to Ms. Vaughan that she could take the proposed language as proof that the Zoning Commission plans to recommend adoption of the language to the Township Trustees in the forthcoming months. Ms. Vaughan was advised that the amendment process may take two months or more until it's effective date do to the difficulties in writing any new, or revised provisions in the Zoning Resolution. Mr. Acquaviva also stated that he will contact the Geauga County Planning Director regarding the grandfathering of a smaller home, and the permitting of its

reconstruction. Based upon the conclusion of the review, discussion, and the forthcoming opinion from the Planning Commission Director; the follow action was taken:

Mr. Acquaviva made a motion to:

Adopt from the first page of the proposed amendment (Note titled: Hambden Township Zoning Amendment – Draft Subject to Revision 2/1/16) as follows:

In Section 201.0: Words and Terms Defined, that the term “Building footprint” and the corresponding definition be added. It shall read:

“Building footprint” means the outer perimeter of the foundation of a building.

That in Section 904.0: Repair and Replacement, the letter “D” shall be added as written. It shall read:

- D. Notwithstanding the provisions of this Section, a nonconforming single family dwelling that has been damaged or partially destroyed may be repaired or replaced provided it is located on or within the same building footprint.

That in Section 905.0 Reconstruction: the letter “C” shall be added as written. It shall read:

- C. Notwithstanding the provisions of this Section, a nonconforming single family dwelling that has been totally destroyed may be reconstructed provided it is located on or within the same building footprint.

From pages 4 and 5 from the Auburn Township Zoning Resolution, Article 3, Section 3.03 Nonconforming Uses, letter “(d) Destruction of a Building or Structure”, paragraphs (1), (1.a.), (1.b.), and (1.c.); and the first paragraph after (1.c.) shall be amended to include the square footage to be consistent with Section 402.10 of the Hambden Township Zoning Resolution, and the following two paragraphs, along with paragraph 2 shall be added as follows:

Section 905.0 Reconstruction

- C. Notwithstanding the provisions of this Section, a nonconforming single family dwelling that has been totally destroyed may be reconstructed provided it is located on or within the same building footprint.
 - 1. Containing a Dwelling Unit: A building containing a dwelling unit which is substantially destroyed (as defined below) by an act of God or nature, including, but not limited to, fire, snowfall and wind, or which is rendered uninhabitable as determined by the applicable authorities, including, but not limited to, building, health, sanitary and fire authorities, or which is rendered uninhabitable as a result of normal wear and tear, decay or other natural deterioration, may be reconstructed in accordance with the following requirements:
 - a. Reconstruction must be initiated within one (1) year of the date of the substantial destruction of such building or the date the building becomes uninhabitable as determined by applicable authorities.
 - b. The extent of nonconformance of the reconstructed building may not be increased in any manner, except with a variance.
 - c. A zoning certificate for the reconstruction of the building must be obtained.

The reconstructed building may be rebuilt in the same location as the original building. The reconstructed building may be smaller in size than the original building but not smaller than the net floor area of one thousand five hundred (1500) square feet for a one-(1) story, or the net floor area of one thousand six hundred (1600) square feet for more than one story single family dwelling. If the reconstructed building is smaller in area than the original building, then the new, smaller dimensions will control any future reconstruction. The expansion and/or enlargement of the building which increases or extends the nonconformity shall require an application for a variance.

A building containing a dwelling unit shall be considered to be “substantially destroyed” when such building requires repair or rebuilding, the costs of which are eighty percent (80%) or greater than the cost of replacing the entire such building, such repair and replacement costs to be based upon the average of two (2) estimates from independent contractors. The independent contractors must have been licensed and/or registered in Geauga County prior to the date of loss.

The location of a reconstructed building which does contain a dwelling unit shall comply with the front yard, rear yard and side yard requirements, if any, in effect at the time such building was originally constructed but without increasing the nonconformity thereof. If there were no standards in effect at the time the building was built, the location of a reconstructed building shall not be greater than the existing building footprint.

2. Not Containing a Dwelling Unit: A building or structure which does not contain a dwelling unit which is substantially destroyed (as defined below) by an act of God or nature, including, but not limited to fire, snowfall and wind, or which is rendered unusable as a result of normal wear and tear, decay or other natural deterioration, may be reconstructed only in accordance with this Resolution as in effect at the time of any such reconstruction. A building which does not contain a dwelling unit shall be considered to have been “substantially destroyed” when such building requires repair or rebuilding the costs of which are eighty percent (80%) or greater than the cost of replacing such entire building, such repair and replacement cost to be based upon the average of two (2) estimates from independent contractors. The independent contractors must have been licensed and/or registered in Geauga County prior to the date of loss.

Said proposed language is contingent upon the outcome of the meeting with the David Dietrich, Planning Commission Director, regarding the rebuilding of a smaller nonconforming dwelling.

Phillip Smith seconded the motion. Upon call of vote: Smith, yes. Locke, yes. Acquaviva, yes. Cox, absent. Grasser, absent. Scheuring, yes. Motion carried.

Mr. Acquaviva and Mrs. Welch will meet in the next few days to determine a possible date to start the amendment process on the above proposed language.

Mrs. Vaughan and Ms. Vaughan stated that they are unable to stay for the rest of the meeting, and left the room at approximately 7:45 p.m.

Proposed Changes to Article IV, Section 403 Commercial District

Mr. Acquaviva requested a continuance until the April 4 Zoning Commission meeting. The following action was taken: Mrs. Scheuring tabled all discussion until the next public meeting of the Zoning Commission.

Minutes

Mrs. Scheuring asked if there were any corrections to the minutes from the February 1, 2016 Zoning Commission public meeting. None were offered. Connie Locke made a motion to accept the minutes and waive the reading. Phil Smith seconded the motion that passed unanimously.

New Business

Proposed Additional Language from Model Zoning Resolution, Article IV, Section 402.0 (1), (1) and (2)

Mrs. Welch requested the members to consider including the language from Section 402.0 (1) and (2) from the Geauga County Model Zoning Resolution. Mrs. Welch gave examples of existing properties where this language could help in control the establishment of a commercial business. Mrs. Welch stated that the Township has a Court case pending were a zoning violation could have proceeded more quickly to an end if the preliminary text was a provision in the Zoning Resolution. The members agreed to take up the consideration at a later date.

Other Business

The next meeting of the Zoning Commission will be conducted on Monday, April 4, 2016 at 7 p.m.

Since there was no further business to come before the Hambden Township Zoning Commission, Connie Locke moved to adjourn the public meeting at 8:10 p.m. Richard Acquaviva seconded the motion that passed unanimously.

ATTESTED BY:

Darlene Welch
Secretary

APPROVED BY:

Helen Scheuring, Chairman

Richard Acquaviva

Absent _____

Lois Cox

Connie Locke

Phil Smith

Absent _____

Chuck Grasser