

RECORD OF PROCEEDINGS
Minutes of the Weathersfield Township Trustees
Public Hearing on proposed amendments to the
Weathersfield Township Zoning Regulation
Held on May 11, 2021 at 6:00 PM

Call to order: Steve Gerberry

Pledge: Completed

Roll Call: Steven J. Gerberry - Present Marvin J. McBride – Present
Rich Harkins - Present Fred R. Bobovnyk – Present

Public Hearing

The Board of Trustees held a Public Hearing held pursuant to Ohio Revised Code Section 519.12 to receive public comment before making a decision whether to adopt, deny or adopt with modifications the recommendation of the Weathersfield Township Zoning Commission to amend the Weathersfield Township Zoning Regulation.

Notice of the hearing was published in the Tribune Chronicle, a newspaper of general circulation in the Township, on Saturday, May 1, 2021.

A record of the proceedings was made by a Court Reporter.

First proposed Amendment –

Application of property owner Rehburg Properties LLC to amend the Township Zoning Resolution to rezone the property at 1503 Salt Springs Road from Residential A- Single Family to Residential B- One and Two-Family.

At its meeting on April 7, 2021 the Weathersfield Township Zoning Commission held a public hearing and adopted Motion 21-02 recommending that the Board of Trustees approve the proposed amendment to rezone the property at 1503 Salt Springs Road from Residential A- Single Family to Residential B- Multi-Family.

At its meeting on April 6, 2021, the Trumbull County Planning Commission reviewed the proposed zoning change and recommended approval of the proposed zone change.

The Board accepted into evidence the following documents:

1. The certification by the Fiscal Officer of the motions adopted by the Weathersfield Township Zoning Commission at the hearing on April 7, 2021.
2. A copy of the Notice of the hearing published in the Tribune Chronicle on May 1, 2021.
3. The recommendation of the Trumbull County Planning Commission.
4. The Weathersfield Township Comprehensive Plan.

Sheila Rehburg and Brian Rehburg were sworn in and given the opportunity to present testimony and evidence in support of their request for a zone change. Sheila Rehburg testified that when they purchased the property, there was already a separate “in-law suite” on the back of the property. Her sister and her husband had lived in the house, and when they moved out, she and her husband remodeled the property and had separate gas and electric meters installed with the intention of renting both the main house and the “in-law suite” as a separate apartment. When they went to Niles to get separate utilities, they were told that they could not have the utilities separated unless they received approval for two units on the property. They are requesting approval for the Res-B zoning so that it can be a two-unit building. She testified that the neighbors did not object to the proposed rezoning.

Brian Rehburg testified that they have 8-9 rental properties in the area, 4 in Weathersfield. He stated that they take good care of their properties.

No other members of the public appeared to present testimony at the hearing.

21-045 Motion to disapprove the proposed amendment to rezone the property at 1503 Salt Springs Road from Residential A- Single Family to Residential B- One and Two-Family.

Motion by: Rich Harkins Seconded by: Marvin McBride

Discussion: Trustee Harkins stated that he does not support spot zoning. If it is approved here, it could be a problem everywhere. Trustee Gerberry agreed. He stated that this would be an island of a single parcel of RES-B zoning and every parcel around it is RES-A. Trustee McBride stated

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that he is concerned because rezoning is permanent. In the future, this house could be replaced with a larger two-family building that would not fit in the neighborhood. After discussion, the vote was taken:

Vote: Rich Harkins -yes Marvin McBride – yes Steve Gerberry - yes
Motion Carried. The proposed rezoning was not approved.

Second Zoning proposal:

Recommendation of the Weathersfield Township Zoning Commission to amend the Zoning Regulation with respect to Self-Storage Facilities, Portable Storage Units, Directional Signs in commercial or industrial areas, plantings in the sight triangle, and paving of driveways and parking areas.

At its meeting on April 7, 2021 the Weathersfield Township Zoning Commission held a public hearing and adopted Motion 21-02 recommending that the Board of Trustees approve amendments to the Zoning Regulation proposed by the Commission.

The Board accepted into evidence the following documents:

1. The certification by the Fiscal Officer of the motions adopted by the Weathersfield Township Zoning Commission at the hearing on April 7, 2021.
2. A copy of the Notice of the hearing published in the Tribune Chronicle on May 1, 2021.
3. The recommendation of the Trumbull County Planning Commission.
4. The Weathersfield Township Comprehensive Plan.

No members of the public appeared to present testimony at the hearing.

The Board discussed the proposed Amendments. Trustee Harkins stated that he thought that in areas zoned Industrial A or B, parking on maintained gravel should be permitted, as concrete or blacktop could be destroyed by semi-trailers and other heavy machinery that would be used and stored on Industrial property. Trustee Gerberry and Trustee McBride agreed. The Trustees stated that maintained gravel with a concrete or blacktop apron would be sufficient to prevent mud and gravel from being tracked onto Township roads from Industrial zoned property.

Trustee Gerberry stated that the proposed 1607.3 prohibited anything between two and ten feet in height in the sight triangle, and an exception needed to be made for mailboxes.

Trustee McBride stated that Portable Storage Units used in Commercial and Industrial Districts could be up to 9 ½ feet tall and requested that 1620.4.2 be adjusted to reflect that.

Trustee Gerberry pointed out that 1905.8 should be numbered 1905.7. In addition, he requested that the section be clarified to reflect that the directional signs permitted must be on the same parcel as the business to which the patrons are being directed. It appears that is the intent of the section, but it needs to be clarified.

- 21-046 Motion to adopt with modifications the Amendments to the Weathersfield Township Zoning Regulation recommended by the Weathersfield Township Zoning Commission. The proposed Amendments shall be modified to permit parking on maintained gravel with a concrete or blacktop apron in Industrial Districts; to add an exception for mailboxes to the sight triangle, to increase the height of Portable Storage Units permitted in Commercial and Industrial Districts to 9½ feet, and to renumber 1905.8 to 1905.7 and clarify that section to reflect that the directional signs permitted must be on the same parcel as the business to which the patrons are being directed.

Motion by: Rich Harkins

Seconded by: Marvin McBride

Vote: Steve Gerberry – Yes Rich Harkins - Yes Marvin McBride – No

Motion Carried. The proposed Amendments to the Zoning Regulation were approved with modifications.

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The changes to the Weathersfield Township Zoning Regulation as adopted by the Board of Trustees are as follows:

Matter underlined is new, to be added; matter ~~struck-out~~ is to be deleted.

DEFINED TERMS

BUILDING

Any Structure ~~designed or used, or intended to be used, for the support, enclosure, shelter, or protection of persons, animals, chattel or property.~~ consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, which is subject to regulation by the Ohio Building Code or the Residential Ohio Building Code. Building does not include a portable or temporary Structure such as a Portable Storage Unit, but does include a shed or other Accessory Structure, regardless of whether it is moveable.

DRIVEWAY

A paved ~~or graveled~~ concrete or asphalt access route that leads from a public Thoroughfare to a Dwelling Unit, Building, Structure, Garage, or Parking Area

PORTABLE STORAGE UNIT

Any container, storage unit, pod, box, cube, shipping container, trailer, semi-truck trailer, mounted on axles or unmounted, or other similar portable unit that can be or is used for the storage of personal property.

PARKING AREA – OFF-STREET

An area designated for the Parking of automobiles or other vehicles, constructed of concrete, asphalt pavement or maintained gravel (as permitted by the Zoning District), and located in the Side Yard or Rear Yard and in compliance with all Side Yard and Rear Yard Setbacks

SELF-STORAGE FACILITY

A Building or group of Buildings in a controlled access and/or fenced compound that contains individual, compartmentalized and controlled access rooms, stalls or lockers ~~for the storage of customer's goods or wares~~ which are rented as a business use with a valid Occupancy Certificate to persons or businesses for the storage of personal property.

ARTICLE 11 - COMMERCIAL A DISTRICT – PROFESSIONAL OFFICES - COM-A

1102- CONDITIONALLY PERMITTED USES

The Board of Zoning Appeals may approve a Conditional Use for any of the Uses listed within this Section to be located within a Commercial A District, subject to the provisions of Article 4 of these Regulations:

1102.9 ~~Self-Storage Facilities~~ INTENTIONALLY DELETED

ARTICLE 12 - COMMERCIAL B DISTRICT – GENERAL BUSINESS – COM-B

1201- PERMITTED USES

After obtaining a valid Zoning Certificate in accordance with the provisions of these Regulations, the following Uses are permitted. Any Use not expressly permitted is deemed to be a Prohibited Use.

1201.24 ~~Self-Storage Facilities~~ INTENTIONALLY DELETED

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*ARTICLE 13 – INDUSTRIAL A DISTRICT– LIGHT INDUSTRIAL,
STORAGE AND WAREHOUSE (IND-A)*

1302- CONDITIONALLY PERMITTED USES

* * *

1302.4.22 Self-Storage Facilities

*ARTICLE 14 – INDUSTRIAL B DISTRICT – MAJOR INDUSTRIAL, LANDFILLS AND
INJECTION WELLS (IND-B)*

1402- CONDITIONALLY PERMITTED USES

* * *

1402.5.12 Self-Storage Facilities

ARTICLE 15 – EXTERIOR PROPERTY MAINTENANCE

1501- EXTERIOR PROPERTY AREAS

1501.4 Driveways, and Parking Areas. Parking of all vehicles is permitted only in the Driveway or Parking Areas. No vehicles may be parked on the grass or unpaved areas. All vehicles must be parked flat on the ground. All Driveways, Parking Areas and similar hardscape areas shall be kept in repair and maintained free from hazardous conditions.

1501.4.1 In Residential Districts, Parking Areas and Driveways may be constructed of concrete, or asphalt, pavement ~~or maintained gravel with a paved apron from the Street to the Property Line.~~ Parking Areas other than Driveways may be located only in the Rear or Side Yard.

1501.4.2 In Commercial Districts, Parking Areas and Driveways may be constructed only of concrete or asphalt pavement.

1501.4.3 In Industrial Districts, Driveways must be constructed of concrete or asphalt or maintained gravel with a concrete or asphalt apron, and Parking Areas may be constructed of concrete, asphalt, pavement, or maintained gravel or similar permanently hard, dust-free surface, but not grass or dirt. The paved apron must be of sufficient size to prevent mud and dirt from being tracked onto the Street.

1506- BOATS, CAMPERS and MOTOR RECREATIONAL VEHICLES

~~**1506.5** Trailers, vans or shipping containers, mounted on axles or unmounted, shall not be used for storage purposes, except for temporary purposes not to exceed one (1) month.~~

ARTICLE 16 – SUPPLEMENTARY DISTRICT REGULATIONS

1607- OBSTRUCTION OF VISION AND VISIBILITY AT INTERSECTIONS

1607.2 Visibility/Sight Triangles at Intersection of Two Streets. In any District no fence, Structure, planting or object (other than a mailbox) shall be erected or maintained on any corner Lot within thirty feet (30') of the corner at a height between two feet (2') and ten feet (10') above the grade. The "corner" shall be the point of Intersection of the edge of the Roadway. See Figure 1 below.

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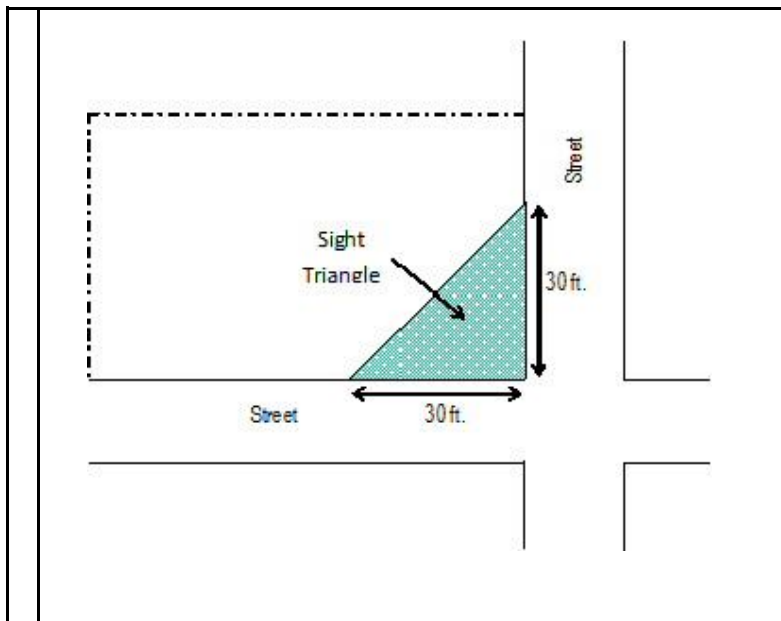


Figure 1- Visibility at Intersection of Streets

1607.3 Visibility/Sight Triangles at Driveways. In any District no fence, Structure, planting or object (**other than a mailbox**) shall be erected or maintained within the sight triangle ten feet (10') by ten feet on either side of a Driveway **at a height between two feet (2') and ten feet (10') above the grade**. If a Driveway is closer than ten feet (10') to the Lot Line, the sight triangle continues over the Lot Line. The "corner" shall be the point of Intersection of the Driveway and the Street. See Figure 2 below.

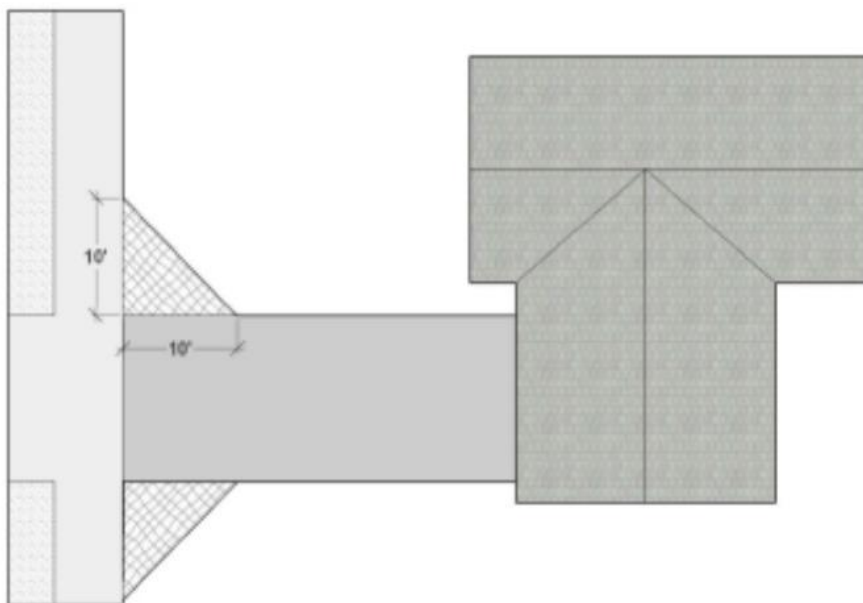


Figure 2

1620- PORTABLE STORAGE UNITS

Portable Storage Units may be permitted as a Temporary or Accessory Use in any zoning district only as follows. A Zoning Certificate is required for all Portable Storage Units.

1620.1 Construction Site. Portable Storage Units may be used to store equipment, supplies and materials in conjunction with active construction work taking place on the Property in any District during the period such construction work is actively in progress, not to exceed six months. If construction work has halted for a period greater than 4 consecutive weeks all Portable Storage Units shall be removed.

1620.2 Moving. Portable Storage Units may be used temporarily, for a period not to exceed fourteen (14) days, when the occupant of the Property on which the portable storage unit is located is relocating.

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1620.3 Accessory Use in an Industrial District. Up to four Portable Storage Units may be permitted as an Accessory Use in an industrial district for the storage of personal property and materials used by the business operating with a valid Occupancy Certificate on the same Property. Such Portable Storage Units must be located to the rear of the principle building on the property and shall be completely screened from view from adjacent streets or properties by the use of a fence or wall. The Portable Storage Units must meet all Buffering requirements for a Building.

1620.4 In addition to the preceding requirements, Portable Storage Units must comply with the following:

1620.4.1 Residential Districts: Portable Storage Units in any Residential District shall not exceed 170 square feet in size (total Floor Area) and 8 feet in height. Any Portable Storage Unit in a Residential or Commercial District must be painted and without rust.

1620.4.2 Portable Storage Units on Commercial and Industrial Districts may be no more than 360 square feet in total floor area and 9 ½ feet in height.

1620.4.3 Only one (1) Portable Storage Unit may be placed on any Property in a Residential District for Moving or Construction purposes. Up to three (3) Portable Storage Units may be placed on a Commercial or Industrial Property for Moving or Construction purposes.

1620.4.4. No Portable Storage Unit shall be located in a public Right-Of-Way or in a way which obstructs visibility of a road or drive.

1620.4.5 Portable Storage Units shall be located no closer to an adjacent property than 20 feet, or the required minimum side or Rear Yard Setback for Buildings in the district in which the unit is located, whichever is greater.

1620.4.6. Portable Storage Units may be located only on a paved Driveway or Parking Area.

1620.4.7 Portable Storage Units shall only be used for the storage of personal property and for no other purpose whatsoever.

ARTICLE 17 – GREEN AREA, BUFFERING, LIGHTING, FENCES AND PARKING

1704-OFF-STREET PARKING

1704.3 Parking in Residential Districts. A Driveway and Off-Street Parking Area must be provided for each Residential unit constructed on or after January 1, 2015. The Driveway and Parking Area must be paved with asphalt or concrete ~~or maintained gravel with a paved apron from the Street to the Property Line.~~ No Parking is permitted except on the Driveway, Parking lot or Parking Area. All Parking Areas in a Residential District other than the Driveway must be in the Side or Rear Yard.

1704.5 Driveways.

1704.5.1 All Driveways shall be no closer than ~~one foot (1')~~ five feet (5') to the adjoining Property Line.

* * *

1704.5.4 Driveways in Residential and Commercial Districts must be asphalt, or concrete. In Industrial Districts, Driveways must be constructed of concrete or asphalt or maintained gravel with a concrete or asphalt apron. ~~They~~ Driveways cannot consist of dirt or grass.

ARTICLE 18 –DEVELOPMENT STANDARDS FOR SPECIFIC USES

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1808-SELF-STORAGE FACILITIES

1808.1 The minimum size of the site shall be not less than two (2) Acres.

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- 1808.2** All ingress and egress from the site shall be directly onto an Arterial or Collector Street. All drives and parking areas must be paved with asphalt or concrete or maintained gravel with a concrete or asphalt apron.
- 1808.3** No storage of combustible or flammable liquids, combustible fibers, or explosive materials, or toxic materials, shall be permitted within the Self-Storage Buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted. No outside storage, other than vehicles which are licensed and operable, is permitted. Vehicles may be parked only on asphalt, concrete, or maintained gravel. No vehicles may be parked on dirt or grass. No more than fifteen (15) vehicles per acre may be stored outside.
- 1808.4** The Use of the premises shall be limited to storage of personal items and business items and shall not be used for operating any other business, maintaining or repairing vehicles, or for any recreational activity or hobby.
- 1808.5** Limited retail sales of products and supplies incidental to the principal Use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted.
- 1808.6** Facility must be well-lighted and entirely enclosed by fencing.
- 1808.7** Portable Storage Units may not be used as Self-Storage Facilities.

ARTICLE 19 – SIGNS

1905-COMMERCIAL OR INDUSTRIAL SIGNS

- 1905.7** Directional Signs. Signs indicating a direction or location to which pedestrian or vehicular traffic is requested to move within the same parcel where the sign is located are permitted in addition to the above signs provided that such signs exceed neither four square feet in area nor four feet in height. The number of such signs shall be the minimum necessary to direct traffic within the site as determined by the Zoning Inspector.

21- 047 Motion to adjourn the hearing at 6:51 PM.

Motion by: Rich Harkins Seconded by: Marvin McBride
Vote: Steve Gerberry - Yes Rich Harkins - Yes Marvin McBride – Yes

Motion Carried.