

**Village of Commercial Point  
Zoning Commission Meeting  
May 9, 2019**

Chairman Dan Kopec called the meeting to order at 6:00pm. Roll Call was taken with the following members present: Mr. Kopec, Mr. Goldhardt, Ms. Mowery, Mr. England and Ms. Plybon. Alternate Mr. Legg was also present.

Ms. Plybon motioned, seconded by Ms. Mowery to approve the January 14, 2019 minutes. All in favor, motion approved. Ms. Mowery motioned, seconded by Ms. Plybon to approve the February 11, 2019 minutes. All in favor, motion approved. Mr. Goldhardt motioned, seconded by Ms. Mowery to approve the April 22, 2019 Public Hearing minutes. All in favor, motion approved. Ms. Mowery motioned, seconded by Mr. Goldhardt to approve the April 22, 2019 minutes. All in favor, motion approved.

Old Business

a. Wording Change for 1195.04 sections C and E: Ms. Plybon asked where the % came from? Mr. Goldhardt said the size of the structure is what they looked at as a typical lot according to what ZI McCoskey advised him. He said 60x120 is a typical lot and that is 7200 sq. ft and for a structure its not larger than 10%. He said in the current zoning laws it says the largest structure you can build is 720 sq. ft. He said it seems to be keeping it in line with the book. He said on E, the 60% is different. He said ZI McCoskey said a house is considered a structure and the example he pulled out they looked at 60x20 lot with a 35x50 house on it, that takes up 24% of the lot. He said then if you have a driveway, which is now considered a structure is about 5%, then add sidewalks etc., this is how they came up with this %. He said ZI McCoskey said he did not want the resident to feel like they could not do anything. He said chances are, they will not get to 60% because of restrictions we already have.

b. Agreed Upon Wording Changes for 1195.04 sections A, B and D: Mr. Kopec asked to spell out IPMC to International Property Maintenance Code (IPMC) in the document. Ms. Plybon asked if they are sticking with accessory uses? Mr. Goldhardt said that was on the definitions side.

c. Agreed Upon Definition Changes: All agree

d. Proposed Wording Changes for 1153.04: Ms. Plybon said she understands the purpose of having without main building for the contractors temporary building but our definition of accessory building mention principal structure but it would have to apply to newly annexed land correct? She asked if we have any parcels in the village currently without principal? Mr. Goldhardt said yes, there are some. He said what it pertains to is, they want someone to come in and build the main building first, not a smaller one not come in and build your storage shed first then the house. Ms. Plybon asked if we can allow this as a basic variance. Mr. Goldhardt said yes. He said everything they have got in here would be subject to a variance. He said the main reason it is on here is where it says accessory building without a main building and where the problem is, it should say structure instead of building. He said the way it is listed you can not put up an accessory building without a main building. Ms. Plybon asked about a multi parcel owner next to each other who maybe wants to put a garage on a parcel that is empty? Supposedly it would be up to the interpretation of the Zoning Inspector and the residents can always come ask for a variance.

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e. 2019 Planning & Zoning Commission Rules: Mr. Goldhardt said he modeled the rules after the council rules, with a few changes. Mr. Goldhardt confirmed that with these rules if they want something on the agenda, they need to send it to Mr. Kopec. He is responsible for putting together the agenda and becomes the contact for everyone,

Mr. Legg said in regards to rules. He said he has serious concerns about the last meeting. He said the drawing that was presented for the daycare was inadequate and the committee was provided with limited information. He said he has worked in public safety for 35 years and the way things worked when a contractor/developer wanted to do something the Building Department and Fire Department both get a copy of the plans and make recommendations. He said he is frustrated with the way it went. He said they were provided a drawing that was difficult to see, it was not a detailed plan, he said the presenter said he was going to do multiple things, maybe he will, maybe he won't. Mr. Legg said it is nothing personal but he wishes they would have gone into Executive Session to present other information. He said he is familiar with the history of the building. Mr. Legg said he was the Zoning Inspector under a previous Mayor and he knows procedures were not followed correctly in the past. He said after talking with ZI McCoskey his concern is the Fire Department and the Building Department were not involved in any of it. He said there should have been a more detailed plan presented to this group and if the application needed to be tabled, then so be it. He said he is speaking from past experience. He said just because you are given a drawing, it doesn't mean it is going to get done. He said some of the information presented was not accurate. He said some things they would not get into as a zoning board but they would not allow a developer to come in with just a drawing. He said he is not singling anyone out, but a lot of times the codes are not followed. He said if we are developing rules for the future meetings then we should have a detailed plan should be presented. He said he understands this is new to everyone. Ms. Mowery said maybe next time since they are still learning to give them a little nudge. Mr. Legg said he chose to be an alternate and didn't feel it would have been appropriate. He said they spent a year updating the book and if they want people to play by the rules, there are things they need to look at. Mr. Kopec asked as an Alternate what responsibilities does he have? Mr. Legg said as an audience member he can say he has concerns. Mr. Goldhardt said we can't arbitrarily go into Executive Session. He said if you are dealing with personnel or salary, which we do not then you can. He said you can not just go into Executive Session because you want to. Admin Baldwin said she will research and ask for more information on Executive Session. Ms. Mowery said she does agree with the Building Department and Fire Department. Mr. Goldhardt said it will get sticky with the Fire Department because we have no jurisdiction over them. Mr. England asked if the Fire Department does inspections on properties like that? Mr. Legg said they are supposed to. He said they need to have a certified inspector on staff and he is not sure if Scioto Fire Department does. He said if they do not, you can involve the Fire Marshall. Mr. Goldhardt said the church would have to be inspected before it opens anyways. Mr. Kopec suggested they need to have a standard checklist of specific information that during the conditional use meetings there are certain things they need to make sure they have and if not then they will table. Mr. Goldhardt said that is basically the zoning inspectors job to make sure the checklist is met. Mr. Kopec said maybe they are the zoning inspector's backstop in the case something slips past him. Mr. Legg said if the building department was involved they would have made recommendations. Mr. Legg and Mr. Goldhardt suggested to

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possibly see the checklist ZI McCoskey uses for the application and possibly see if anything should be added. Mr. Kopec asked Mr. Legg for his recommendations moving forward? Mr. Legg said they need to look more closely at each application, even look online at the application ZI McCoskey has. He said he will see what information he can find out, but at the very least have more detailed drawing and some kind of description on what the property will be used for. Mr. Goldhardt said it would have been nice to have had that drawing included in their packet and not handed to them the night of the meeting. He said that was a reason to table it. Mr. Kopec asked if they want to internally create for themselves a checklist and if any of them are not able to be checked off, then table it?

New Business

Mr. Kopec said the initial meetings were set the 4<sup>th</sup> Monday of each month. Mr. Goldhardt asked if they would be better off to move off of Monday in case Council needs to change their meeting. Mr. England said he liked Thursdays at 6:00pm. Mr. Kopec suggested the 4<sup>th</sup> Thursday of each month at 6:00pm, unless a special meeting needs to be called. All meeting dates will be listed on the Village of Commercial Point webpage calendar. Dates will also be posted in all 5 locations.

Additional Items

Mr. Goldhardt said in their books, section 1181.07, it is dealing with hedges and fence. He said ZI McCoskey requested they change that from 3 ft to 4 ft. He said if they need to discuss it further, it can be placed on the agenda for the next meeting. Mr. Kopec verified that is just the fence height in the front yard. Mr. Goldhardt confirmed yes. He said from what he read he assumes it was 3 ft because of the line of sight problems. He said according to ZI McCoskey if you try to buy fence, it is all 4 ft sections. Ms. Plybon said there was an issue with that on Harsh Alley that would disrupt sight. Ms. Plybon is ok with it on fencing, chain link, but asked about privacy fence and hedges? She asked if it would be too much to separate those? She said there is a lot more visibility with a chain link. Mr. Goldhardt said section D prohibits chain link fence. Ms. Mowery said she believes the fence part is ok, but the hedges should remain the same. Mr. Kopec said he would be more concerned about the hedging if not maintained because he knows of instances where people have not seen stop signs due to overgrown trees. Mr. Goldhardt said then zoning could go in and advise them to cut it back. Ms. Mowery said being in a smaller car, it makes it difficult to see. Mr. England said if you sit low, it changes your angle. Mr. Kopec said he would like to hear ZI McCoskey's rationale on it. Mr. Goldhardt said it would probably be best to hear it from him. Ms. Plybon said it specifically says abutting streets and alleys. Mr. Kopec said maybe that is the catch and they put specifications in there saying corner lots are restricted to 3 ft and non-corner lots could go to 4 ft. Mr. England said they could have issues with a neighbor on that, but he does not feel strongly either way. Mr. Kopec said he understands the restriction because it is a safety issue. Mr. Goldhardt said they need to have an answer by the next meeting.

Mr. Goldhardt said there are a couple word changes in the book that he will send for the next meeting but nothing major. He said if they make changes, let's do everything at once and send it all at once to council for approval. He said one item he forgot to ask on the definitions, do they want those same definitions to be used in the planning code section or the subdivision side as well? He

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said ultimately there is one book with two definitions. He said it would be nice to have the same word with the same definition in each section and if changing some here, change some there and line everything up. Ms. Plybon said she would like to compare both before she speaks to it.

Adjournment:

Mr. Goldhardt made a motion, seconded by Ms. Plybon to adjourn. All in favor. Meeting adjourned.

A handwritten signature in black ink, appearing to read 'D. Kopec', written over a horizontal line.

Dan Kopec, Chair