

BRIMFIELD TOWNSHIP ZONING COMMISSION

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REGULAR PUBLIC MEETING

MINUTES of February 11, 2015 at 7:16 PM

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

Present: Chairman Ron Jones V.P. Gary Rodd Debbie Darlas

William Kremer Tom Sargent

Alternates: Nicholas Coia

Staff Present: Dick Messner, Zoning Inspector
Wendi O’Neal, Assistant Zoning Inspector

Public Present: Robert Keller, Brimfield Township Executive
Thomas Johnson, 1658 Sandy Lake Rd.
Pat Blair, 3547 Elmhurst Court

The Zoning Commission is called to order by Chairman Ron Jones, at 7:15 PM on Thursday, February 11, 2015 at the Brimfield Township Town Hall.

Roll call:

Darlas: Here **Jones:** Here **Kremer:** Here **Rodd:** Here
Sargent: Here **Coia:** Here

MOTION #2016-011

Debbie Darlas makes a motion to accept the Agenda as presented and was seconded by **William Kremer**. Motion passes unanimously.

Ron Jones thanks **Nicholas Coia** for sitting in as voting member for the last two meeting for the last amendment process; **Debbie Darlas** also thanks and appreciates his presence.

MOTION #2016-012

A motion is made by **William Kremer** to approve the minutes of the previous Public Meeting January 14, 2016, with a seconded from **Gary Rodd**. Motion passes unanimously.

Dick Messner states that the meeting has been dually advertised per code; it is a legal meeting.

PUBLIC COMMENTS: NONE

Dick Messner states he would like the new alternates that are effective upon the conclusion of the current amendment process. He has then introduce themselves.

Tom Johnson,

- Resides at 1658 Sandy Lake Rd.
- Member of the community for about nine years
- Knew there was a need for alternates, so he volunteered his time to come down and learn everything he could about Zoning.

Pat Blair

- Resides on Elmhurst Court
- Member of community four years
- Looking to help out the Zoning Board anyway he can.

The **Board** member introduce themselves:

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William Kremer – Longtime member of the Board, 12-13 years, as Citizen Advisor Committee, alternate and chairman.

Gary Rodd – 8-10 years member.

Ron Jones – 8-10 years, Citizens Advisory Committee 2001-2004, alternate, member and now third year as Chairman.

Debbie Darlas – Resident for over 38 years, alternate and then member for a long time. Loves Brimfield

Tom Sargent – Lived in Brimfield since 1980, served as alternate for a few years and is now Member of Board which started in January of this year.

Wendi O’Neal – Assistant Zoning Inspector, been here almost three years.

Dick Messner – Zoning Administrator

The **Board** acknowledges and appreciates their efforts for volunteering to participate on the Zoning Commission and looks forward to working with both future alternates.

Dick Messner: Announce that when this amendment is concluded, that even though the appointments are retroactive to January first, Pat and Tom will take their seats at the conclusion of the resolution at the Trustees level. At that time, Mr. Nicholas Coia is going to jump ship and join the Board of Zoning Appeals as an alternate.

The **Board** wishes **Nicholas Coia** the best of luck with the other Board and thanks him for his service with the Zoning Commission.

Nicholas Coia appreciates and thanks the Board for their help to better understand the Zoning that will help with moving to the Appeals Board.

OLD BUSINESS:

- **‘Shipping/storage’ containers – Definition**

Dick Messner goes of the different definitions that would be included in Pods, or storage containers. Pods can be defined as portage on demand or portage on delivery; or portable on demand or portable on delivery. The definition is container for storage or moving materials in variable sizes. States that a lot of ordinances or resolutions will include PODS in storage containers; packaged and/or cargo of varies sizes to store and/or to move merchandise, equipment and miscellaneous soft or hard supplies. Storage: housing for non-combustible or consumable materials and receptacle of storage container in which material is held. You could use the definition and place PODs in separately and simply state “see storage container”. Handed out numerous ordinances and resolutions that a few are very involved and includes PODs as temporary storage units. That would give you a little bit of study material that would help come up with the verbiage into the Zoning Resolution as to where it would fall either Chapter Four or Chapter Five. Most definitions given is right out of the dictionary. That gives the Board a start on definitions and also if the Board wants to specific exactly what you can use where and what the area requirements would be: front yard, back yard, 90 day, etc..

Ron Jones: Does the Board have any questions?

William Kremer: Looking at Section E paragraph 3c, where dumpsters have to be a maximum of 30 days without a permit and we are talking about roll-off dumpsters here on a residential property. But if you have a property that is under construction then you are going a roll-off dumpster for more than 30 days.

Ron Jones: Probably 90 days.

Dick Messner: If you look at chapter five or six, under the headline, there is an area for construction trailers and construction dumpsters. If I’m not mistaken Mr. Keller but something in there when he was fire chief suggested that we put something in there for temporary construction.

Gary Rodd: Because of the fire hazard.

Dick Messner: Now the question is where we put it. It’s either in four, five or six.

Ron Jones: Well with construction you are looking at least 90 days. I don’t know if the Board wanted to control the sizes; standard size is probably three cubic yards.

Tom Sargent: The average for construction is between 20 to 30 cubic yards.

Pat Blair: Yes, 20 – 30 is usually what they ship by ocean and you can buy a 20-30 footer for 2,000 bucks.

Gary Rodd: And the biggest thing is availability. When the person needs it, what is available; if there is a 20, 30, 40 or whatever.

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Pat Blair: The way that it is written right here seems as though it was written for the commercialized residential folks or the contractors.

Tom Sargent: Remember you can use or match up with dumpster sizes. I don't think Lowe's does it but I know Home Depot does it and their PODs are smaller. I think those might be the 16s.

Pat Blair: I used to buy them and sit them in hospital's parking lot and store salt in it for winter. For snow removal, it keeps it clean and dry and then at the end of the season pick it up and put it on a truck and out it goes.

Tom Sargent: Yea, Walmart does that all the time.

Gary Rodd: They have tons of them at Walmart.

Tom Sargent: Those are the 40s. They are kept right on the side of the building.

Gary Rodd: They use them for seasonal stuff.

Debbie Darlas: 530.03, talks about Other Construction and this is where we placed the addition, "shipping/storage containers".

Wendi O'Neal: Section 530.03 is where the shipping/storage' containers were entered within the resolution and was passed within the last six months. What Dick is talking about is more 510.

Dick Messner: There is one section and it is probably in my old book; I have it headlined. It is a very short one paragraph section.

Gary Rodd: 510.11, is that the one? Storage, utility and trash collection area.

Dick Messner: Should have a, b, and c. and no, it definitely says construction.

Tom Sargent: Construction Dumpster? 510.11.e

Dick Messner: No, it has an a, b and c and then c was added.

Ron Jones: Construction Dumpsters, 510.11.e

Dick Messner: 510.11.e, Construction Dumpsters, put it in 2011.

Tom Sargent: But that is just the dumpsters, correct?

Dick Messner: Yes. That was put in, in the height when we had all the subdivisions going in.

Nicholas Coia: So we are just looking to define?

Wendi O'Neal: Yes, we need to define "storage/shipping containers".

Nicholas Coia: That's it.

Wendi O'Neal: Yes, that's it.

Dick Messner: If you look at Chapter Ten it is strictly very simple.

Nicholas Coia: So the rest is information, nothing we need to do with?

Dick Messner: I just pulled out a few random ordinances for reference.

Wendi O'Neal: Usually you take that home, look over it and come up with something simple.

Ron Jones: Okay, so Lowe's and Walmart have all their plows out there and they are there all year, would this affect them in anyway?

Dick Messner: The only Walmart had out, we were about ready to issue a citation to them. They pulled all of those big storage containers out.

Debbie Darlas: They do that yearly usually.

Gary Rodd: They use them for seasonal stuff, is what they do.

Debbie Darlas: Right.

Gary Rodd: Whenever they change the season they bring the PODs in.

Ron Jones: I didn't know if we just wanted to do this for residential or?

Dick Messner: On the PODs, if you look at some of the cities on it. To give you an idea, my daughters business is in Oregon Trails in Stow. She has a POD and it is in the back for storage where deliveries are made; where the dumpsters are and everything else. And I believe the Stow Code calls for PODs or other storage containers, which would include dumpsters, to be located in shopping and store plazas in delivery areas or out of sight of the general public. Believe it or not I was going through Kent the other day and I saw a POD sitting in a residential side yard. I think that is where you would want to concentrate. I don't think in the commercial areas or maybe an exception the Town Center District, I think your concentration should be on residential areas.

Ron Jones: I agree, other than construction or reconstruction after a fire or whatever, I think the regular storage PODs, we should limit that to a time limit, or they would have to go to Appeals or get a permit.

Dick Messner: An interesting aspect on storage materials, with rebuilding of a damaged house either through fire or something of that nature, we do allow a trailer to be put on site to be lived in as long as that house is being repaired. So it is something here that might tie in with storage PODs or the other materials for the house.

Gary Rodd: Okay, I got a question for you. When you issue a permit for building or redoing and they bring that permit in, is that something that is included in their permit?

Dick Messner: For what a burned down house?

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Gary Rodd: Let's say somebody is going to build a house, comes in for a permit, would his permit allow him to have dumpsters, roll-offs or anything like that?

Dick Messner: Any residential or commercial or anything like that is allowed to have storage containers.

Wendi O'Neal: I think that we really need to focus on the entire section of 530.00, which is General Regulations on Temporary Buildings, Structures, and Uses. So I think that we kind of have to collaborate 530.00 all the way down to 530.03 and fit a definition that would not contradict the section. You are talking about temporary housing, new construction, reconstruction so I think we need to read all that and come up with a definition. Because we did put, "shipping/storage containers" in Section 530.03. So I think that if we review those sections and get a definition simple enough to coincide with this section.

Tom Sargent: And I remember when we talked about this, the purpose is so that somebody doesn't park a storage POD, out in front of their house and then stick another one, and that becomes the garage and storage.

Dick Messner: Well remember to that storage containers are also considered accessory buildings. And accessory buildings can only be in the back of the house or on the sides. So you have double areas where you look for enforcement. Anything that is used, whether it is used for storage of lawn mowers to a free standing garage is an accessory building. PODs would fall into the same thing. So you have a dual sword here, as far as where storage areas go. We have one soft spot in here, but I won't bring it up tonight.

Tom Sargent: The only thing about temporary buildings is if somebody is rebuilding a house you are going to, or you are going to have to be able to get a truck in there to set it, so if it is temporary and it's going to be there six months. You are going to have pick that thing back up. You are not going to want it in the back of the house. You are going to want it accessible for a heavy truck to get in there and pick it up.

Dick Messner: Well you are talking about construction as opposed to something; Jo-Shmo comes in a puts a POD.

Tom Sargent: Yea, but I'm talking about if somebody is building, restoring, or even an addition.

Dick Messner: Let's put it this way, if a building like restoration does not necessarily need a zoning permit. They have to pull a building permit to satisfy electrical, masonry or go to the health department for plumping, now you've got a whole different ball game. Now you are talking about the possibility of storage unit. Give you an idea you go down on all these new jobs the Amish come in, when their driver brings them in from Middlefield, they have a big trailer with all their tools in it. And they back it up on the job site and leave it there until they get it framed in.

Gary Rodd: Yea, but that is not there much more than a week, if they are framing. Those guys are pretty darn quick.

Dick Messner: But that is all treated as you get in to restoration or new construction; and we have that covered.

Wendi O'Neal: So what I think that Tom is saying that you are going to have to be able to get back to it. New construction without a drive, how are you supposed to put in in the back?

Dick Messner: No, it doesn't cover it, we are talking two different animals. One you are talking about major restoration inside or outside and you are talking about new construction as opposed to Joe-Shom that lives on Meloy Road and decides he wants to put a pod in or he wants to put a pole barn in the front yard.

Nicholas Coia: If my memory serves me correctly when we added that, "shipping/storage containers" (the bolded area) we did it because our conversation was that we wanted to ensure that in Brimfield we didn't have people buying or getting these storage PODs at a discount rate and sitting them in their driveway and making them permanent.

Debbie Darlas: Yes, we didn't want them to be permanent.

Nicholas Coia: So we put it in there, now the question comes from the public what is a 'shipping/storage' container? Now we have to define that, how do we want to define that?

Debbie Darlas: Right.

Ron Jones: We define it, by any temporary or any portable container.

Dick Messner: You've those four statements that are very simple; right out of the dictionary.

Nicholas Coia: So we just need to put in Chapter Ten, 'shipping/storage container' colon this is what we are describing it as to support that change that we made last year.

Debbie Darlas: So I can't use a shipping/storage container for my tiny house?

Ron Jones: That's so bad, I was trying to get my daughter to put on in for an in-law suite.

Wendi O'Neal: There are starting to do just that though.

Ron Jones: My son-in-law said no way!

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Nicholas Coia: We are just starting to see more and more of these PODs pop up in neighborhoods. I have seen them, so how do we control that? I understand that somebody is doing some remodeling or they are changing so stuff out or they are moving but when they start staying for two months, three months, four months, five months, six months, etc.. It becomes a permanent structure.

William Kremer: I like the definition that we have up here. And when you really look at it says, "In conjunction with construction work only." So if you are going to put a POD, a dumpster or whatever you are going to put out there in a storage container, or shipping container, whatever it might be, it is for and in conjunction with construction with construction work only.

Pat Blair: Why don't you say permitted construction?

William Kremer: Well permitted or not permitted, you can only have that

Dick Messner: If you look at ten, chapter ten it is almost like a glossary.

Nicholas Coia: My question is if I was looking at this, well what to you define as a shipping container? Because you are calling it a shipping container but I call it a POD. You don't have POD up here, so I can get away with it.

Dick Messner: Well put POD in there.

Gary Rodd: Put POD right behind it.

Nicholas Coia: So we are saying that shipping containers include PODs, etc.. That you eliminate that.

Ron Jones: With a limitation of time.

Dick Messner: If you look in the definitions you are going to see a lot of cross references. Wood burning fire places, hydronic furnaces remember? Same thing here, you could put POD, Portable on demand or portable on delivery a container for materials in varies sizes. Then you go over to where you are going to stick it, so now you have your definition which is what you are looking for and something put into Chapter Ten. Then if you want to carry it out to a shipping container and include POD in that you tie the two together or you could say POD see shipping container.

Nicholas Coia: I think the simplest way is say POD see shipping container, storage receptacle see shipping container, and then we would just define what a shipping container is.

Dick Messner: And where you want to put it and how do you want to do it?

Pat Blair: I don't think the size and the things I read there are as important as the fire safety.

Dick Messner: So guy could be doing some repair work and put a small unit in; somebody is doing major work and they will put a big unit in. If you are going to gut a house, some of these houses are being gutted down on the university levels, they will put a 40 in.

Robert Keller, Township Executive: So these could be used if somebody is moving? So they could have one of these companies come in, and drop it in the driveway, pack it up with all your personal belongings in it and they come back and pick it up to move it to your new house. So in that instance something within say 30 days, to have it packed up and gone. On the other hand one of their kids get divorced and move back home, and brings a POD with them and sits it in my neighbor's driveway. And they say well she is going to find another place and take it with her within 30 days and will be out of here Well then one month turns into six months and then nine months.

William Kremer: Do you have some experience with this?

Dick Messner: It's almost like when you get into temporary signs.

William Kremer: That is a really good point though, and could that happen? Yea.

Dick Messner: You as you well know, terminates after 30 days, 60 days, 90 days or terminates upon completion.

Tom Sargent: Some of those things, like what you are talking about will kind of take care of themselves because the thing is being rented. And you are going to see the advertisement, like at Home Depot for the storage pods, and the fact that you have to get a special truck to get them. You can't just put it in a truck bed. We are looking for the exceptions and I think that is what you are alluding to. It is going to happen, we all know that.

Dick Messner: The definition spells it out; then you put in exactly what you want and you can sit it in all or any of the fourteen zoning districts; residential will probably be different than commercial and industrial.

Gary Rodd: I think we should sit it in residential.

William Kremer: And I think that the 30 day limit is very important because you have a lot of kids coming back from Ohio State, and they just do the POD.

Gary Rodd: Grandpa let me stay for six months.

Ron Jones: Well for the summer.

Dick Messner: Then if you go back to accessory buildings under 200 square feet does not require a zoning permit, anything over requires a zoning permit.

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Gary Rodd: The thing is that you have to have a compliant, then we have to be able to back it up.

Dick Messner: You get into accessory buildings which are just like fences; they spring up, we have no idea where half of them are. If you see them or somebody turns somebody in then we will get them. Anyhow that is some stuff you give you some stuff to review.

Tom Sargent: So are we saying that they are going to pull a permit to keep it for 30 days or they can do without a permit for 30 days?

Gary Rodd: No, I think it needs to be permitted.

Tom Sargent: Can it be renewed?

Gary Rodd: I think in a residential district, in my own opinion, would be a 30 maximum and there is a really good reason.

Wendi O'Neal: What are the average sizes of these PODs?

Tom Sargent: 12, 16, 20, 28, 40

Wendi O'Neal: Because if we are treating it like an accessory building then there is no permit for anything under 200 square feet.

Nicholas Coia: And also they would have to stick in the back or side yard because they could not place it in their driveway.

Dick Messner: The exception you are going to make from what you are talking about, let's eliminate commercial and industrial for right now.

Gary Rodd: Yes, just residential.

Dick Messner: There are times where you would have a POD that would be in the front; a repair from fire, there would be no other place to put it. Or major restoration or something of that nature.

Tom Sargent: Yea, but that would fall under construction then?

Dick Messner: It would fall under construction.

Gary Rodd: We are talking just strictly residential without construction.

Dick Messner: If you are talking and you want to keep it simple then you could say it is an accessory building, if it is over 200 square feet you have to get a permit if we catch you. And then the exception would be to put it in the front yard; would be the exception.

Nicholas Coia: I don't think you would need a permit for 30 days. Because if I am moving, I am not going to think about pulling a permit, to come up here and get one for 30 days.

Debbie Darlas: Yea for 30 days there is no need for a permit.

Dick Messner: Any new subdivision you are going to see people come in with drag-a-long trailers or a POD or something of that nature.

Gary Rodd: But I think that 30 days is more than an enough in any kind of residential other than construction.

Tom Sargent: The other thing with that is if they are in an HOAs, they probably already have rules for that. So again we are talking about the exception.

Dick Messner: Remember zoning only covers area requirements a lot of the stuff you are talking about is going to come under the building code. Anyhow hopefully gives you enough to get going for the definition. The definitions are very similar and I didn't see much variance of the stuff that I was looking at, it is was just in the other stuff that I gave you which is in how they did the ordinance and so forth.

NEW BUSINESS:

Dick Messner explains form-based zoning (hybrid) verses traditional zoning.

GOOD OF THE ORDER:

SET NEXT MEETING:

Thursday, March 10 at 7:00 PM is the next set regular scheduled meeting at the Township Town Hall.

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MOTION #2016-013

A motion was made **William Kremer** by to adjourn the February 11, 2016 at 8:00 PM, seconded by **Gary Rodd**. Motion passes unanimously.

Chairman Ron Jones

Vice Chair Gary Rodd

Debbie Darlas

William Kremer

Tom Sargent

Secretary Wendi O'Neal

Alternate Nicholas Coia