

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

January 4, 2011
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Andrew Lingenfelter, Chairman
Morgan McIntosh, Vice Chairman
Richard Peterson
Frank Schindler
Larry Wentz

Also Present:

Kathy Mitchell, Zoning Inspector,
Zoning Commission Secretary
Michael Lucas, Esq., Legal Counsel

Melton Reporting
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7:00 p.m.

CHAIRMAN LINGENFELTER: Good evening. I would like to call the Concord Township Zoning Commission meeting of Tuesday, January 4th, to order. We have a short agenda but a lot of work to cover in the short number of things that we have to go over.

The first item on the agenda is a public hearing for proposed amendments to the Accessory Use and related regulations to our zoning text. We were provided a nice ring binder with all of the changes that have been proposed. This is a body of work that's been going on now for several meetings and we have a finished product.

In addition to the — In addition to the amendments that we have, we also received a letter from the Lake County Planning Commission and they made a number of recommendations to changes that should be made or added or omitted in the text. So what I would like to do is try, as best we can, to coordinate the Lake County Planning Commission's recommendations as we go through each amendment change.

And, obviously, this is a public hearing, so we will allow public input on each one of the amendments. If there is anyone in the audience that would like to come up to the podium and speak to each specific amendment, whether they are opposed or in favor of it, you know — we're going to have a public hearing — obviously, you will be able to do that.

So this is going to be a little bit of a challenge because of all the changes that Lake County Planning Commission recommended in addition to all of the texts that we're dealing with, so we will try to get this as best we can. We will vote after each amendment, whether it is as presented or with

1 whatever changes or amendments have been made.

2 And then, after that's all done, if we're comfortable
3 at that point, we'll then close the hearing and vote on it, or
4 we may continue this hearing, depending on the changes that are
5 made. If this zoning inspector, Kathy, feels comfortable with
6 doing it as presented, we will vote on it. If not, we may
7 continue this to the next meeting so that she can get
8 everything done for us in writing again.

9 So with that being said, I would like to open the
10 public hearing. And we will start with Amendment Number 1,
11 which is an update to the Accessory Use Regulations in the R-1
12 Residential District by expanding the types of accessory uses
13 permitted in Section 15.03 A. Clarifying the general
14 requirements applicable to accessory uses in Section 15.03 B
15 and accessory buildings in 15.03 D. This item and subsequent
16 will be renumbered. Adding general requirements for accessory
17 structures permitted in Section 15.03 E. Clarifying the permit
18 requirements for accessory uses, buildings and structures in
19 Section 15.03 F, and identify the types of structures that do
20 not require zoning permit in Section 15.03 G. Adding
21 requirements for temporary structures in Section 15.03 H, and
22 define Family Day Care Homes, Type B, in Section 15.03 I. And
23 then modify the side yard setback requirements for accessory
24 buildings or structures and the allowable projections into
25 required yards in Section 15.07. And add height requirements
26 for accessory structures in Section 15.09.

27 Now, the Lake County Planning Commission has made
28 some recommendations on this Section Number 1.

29 Is there, first of all, are there any comments from
30 the board with regards to what we have in front of us?

1 Anybody?

2 Okay. Then I'll open it up to the audience. Is
3 there anyone in the audience that would like to speak in favor
4 of Amendment Number 1 to the zoning text, on either side?

5 Sir, please state your name for the record, your
6 address.

7 MR. TAKACS: My name is Edward Takacs. I live at
8 9969 Route 84.

9 CHAIRMAN LINGENFELTER: And do you swear to tell the
10 truth, the whole truth and nothing but the truth?

11 MR. TAKACS: We can't understand a damn thing you're
12 saying with all these numbers. All right?

13 CHAIRMAN LINGENFELTER: Okay.

14 MR. TAKACS: 503, 469, we can't understand that in
15 plain English.

16 CHAIRMAN LINGENFELTER: Okay.

17 MR. TAKACS: All right?

18 CHAIRMAN LINGENFELTER: I will request that you
19 refrain from cursing.

20 MR. TAKACS: I am sorry, sir.

21 CHAIRMAN LINGENFELTER: Let's use professional
22 language. Okay? Thank you.

23 MR. TAKACS: However, we need to have this spelled
24 out to us in plain English, what you require of us as far as
25 our accessory buildings, so I am going to give you a chance to
26 maybe start over. All you've done is say that 503, 409. That
27 means nothing to us, out here in the township.

28 CHAIRMAN LINGENFELTER: Well, the text is available
29 for people to review online —

30 MR. TAKACS: This is true.

1 CHAIRMAN LINGENFELTER: — as well as here at the
2 township, if you want to stop by.

3 MR. TAKACS: However, you're a zoning board.

4 CHAIRMAN LINGENFELTER: Right.

5 MR. TAKACS: And there are people watching on TV that
6 have no clue what you're talking about.

7 CHAIRMAN LINGENFELTER: Well, it's not incumbent upon
8 the Zoning Commission to educate the residents.

9 MR. TAKACS: Thank you very much.

10 CHAIRMAN LINGENFELTER: I mean, it's incumbent
11 upon —

12 MR. TAKACS: I'll leave it at that.

13 CHAIRMAN LINGENFELTER: It's incumbent upon the
14 residents to take the time to review the text that's available
15 at Town Hall. It's available online. You know, I am —

16 MR. TAKACS: You're right, sir. You're right. It is
17 not up to you to explain it to the people that live in the
18 township what you actually do for us. I am sorry. I
19 misunderstood.

20 CHAIRMAN LINGENFELTER: Thank you.

21 Anybody else that would like to speak in favor of
22 this amendment? Anybody opposed? Okay.

23 The Lake County Planning Commission's
24 recommendations, on Number 1, is to revise the customary
25 occupations in 15.03 A and 18.03 A3, which is in the former —
26 is in Section Number 5, which would be in Amendment 2.

27 So, Kathy, do you have any comments on that, revising
28 the customary occupations?

29 MS. MITCHELL: The language, the specific customary
30 occupations listed are handicrafts, dressmaking, laundering,

1 home cooking, beauty parlor, barbershop. I guess, if the board
2 would like to have those defined, we can define them, but those
3 are the specific terms that refer to customary home
4 occupations. I guess, it's up to you if you feel that it
5 should be defined. Not every word that's in the zoning code is
6 defined but we can certainly define it if it's not self-
7 explanatory based on the word itself.

8 MR. WENTZ: I guess, I don't feel that it's
9 necessary. I think these are illustrative occupations and the
10 uses are well understood.

11 CHAIRMAN LINGENFELTER: Any other comments?

12 MR. McINTOSH: I agree. I don't think it needs
13 additional —

14 CHAIRMAN LINGENFELTER: Right. I think, for the sake
15 of the audience and for those watching at home, the Lake County
16 Planning Commission makes recommendations. They're a
17 recommending body. We are not, as a commission, obligated to
18 incorporate their suggestions or revisions. We take them under
19 advisement. Obviously, they are the Planning Commission. They
20 help guide us on these issues but, again, we are not obligated
21 to follow their recommendations. We do take them seriously and
22 we consider them, and if we feel they have merit, we will
23 incorporate them. If we don't feel it is necessary, we don't.

24 So on Number 1, we're all pretty comfortable with the
25 way it's stated, so we won't worry about that revision.

26 Number 2 is to revise the title of Sections 15.03 A
27 to the types of buildings and structures permitted.

28 Kathy, any comment on that?

29 MS. MITCHELL: It makes sense to make the change.

30 CHAIRMAN LINGENFELTER: All right. I am good with

1 that.

2 MR. McINTOSH: Yes.

3 CHAIRMAN LINGENFELTER: Okay. So we will make the
4 amendment on Number 2 to reflect their recommendation.

5 Okay. On Number 3, revise Section 15.03 D 1, 1,024
6 square foot on parcels with lot area of less than 1 acre. Lot
7 area is defined in Article 5, parcels of land is not.

8 Kathy, can you comment?

9 MS. MITCHELL: No objections to the change.

10 MR. WENTZ: That's okay.

11 CHAIRMAN LINGENFELTER: Okay. So we will make the
12 amendment to revise that on Number 3.

13 Number 4, require that accessory structures and
14 buildings may only be located on lots with principal buildings
15 in Section 15.03 D 4 and 18.03 D 4. That prohibition is on
16 construction only. There is no regulation stating that a
17 property owner cannot divide his lot having the principal
18 building on the split lot and the existing accessory building
19 on the remaining lot.

20 Any comment on that? No comment. Kathy?

21 MS. MITCHELL: I think I understand what they're
22 saying but I do have that come up at times. Somebody comes in
23 for a lot split and the accessory building might be located
24 such that, if they make the split, it can become —

25 MR. WENTZ: It's the only building on that.

26 MS. MITCHELL: — it becomes its own and that's not
27 what we want, so clarification of the wording makes sense.

28 MR. WENTZ: I would be in favor of this one.

29 CHAIRMAN LINGENFELTER: You would be in favor of
30 amending?

1 MR. WENTZ: Yeah.

2 CHAIRMAN LINGENFELTER: Kathy, it makes sense on the
3 lot split. I think that's a good safeguard, so we will add the
4 revisions recommended in Number 4.

5 Number 5 the Planning Commission was interpreting the
6 proposed definition of "carports" to include temporary
7 carports, which are tent-like structures. Temporary carports
8 would be required to adhere to Sections 15.03 E and 18.03 E.
9 If the Township's intention was not to require temporary
10 carports to be regulated, then it needs to be added.

11 Kathy, any comment on that?

12 MS. MITCHELL: Our intention was to include temporary
13 carports under that category of Carport, which is under
14 Item E 7. We also have a reference to such structures under D
15 8 that says, "Any yard structure that is enclosed on at least
16 three sides and has a roof shall be regulated as an accessory
17 building." So that was the intent, to cover those types of —

18 MR. WENTZ: Do we need to include it?

19 MS. MITCHELL: Well, the definition as it stands, I
20 think, is okay. But if we were to add it to that other
21 section, then we would be exempting it from the regulations, is
22 how I read it. If there needs to be clear terminology, then we
23 can add terminology.

24 But I don't know, Mike, if you have a comment on that
25 as far as D 8 and then the reference to the carport section
26 under E 7.

27 MR. LUCAS: I think it's all right the way it is.

28 MR. WENTZ: Yeah. I was going to say, temporary
29 carports and carports —

30 MR. LUCAS: Right. I think it's fine the way it is.

1 MR. WENTZ: Temporary should be included as —

2 MR. PETERSON: Yes.

3 MR. TAKACS: Excuse me.

4 CHAIRMAN LINGENFELTER: Yes.

5 MR. TAKACS: Gentlemen, Ed Takacs again. I have a
6 question going back to — I am sorry, but you've already made
7 this decision. But going back to, I believe it is, Number 2,
8 as far as the 1,024 square feet in the township as far as
9 accessory buildings, you did not address whether that would be
10 the footprint or whether that would be two stories, three
11 stories, four stories. That needs to be addressed. Do you
12 understand what I mean?

13 If we're going to build an accessory building in the
14 back yard that is 1,024 square feet, does that include the
15 second story or third story total, or are you just going to
16 blow through that and not let us know what — I need to know
17 this.

18 CHAIRMAN LINGENFELTER: The requirement is as stated,
19 shall be limited to 1,024 square feet on parcels of land that
20 are less than 2 acres in size, and 1,532 square feet on parcels
21 of land 2 acres or greater in size. When calculating the
22 building size, the gross floor area shall be used, which
23 includes both the ground floor and any area equal to a half
24 story or greater above the ground floor of the building.

25 MR. TAKACS: You did not address that when you blew
26 right through that. You guys just bypassed that and did not
27 let the township people know.

28 CHAIRMAN LINGENFELTER: It's in the text. It's in
29 the text.

30 MR. SCHINDLER: It's in the text.

1 MR. TAKACS: People don't have access to this text
2 and you are the Zoning Department. You need — we're not —
3 You need to let the people know, Concord people know if you're
4 going to change the rules. Right now, it says 1,024 square
5 feet, all right, no matter how many floors, 35 feet high. Now
6 you're changing the rules in the middle of the game and you're
7 not making it clear. That is my point. That is why I'm here.

8 CHAIRMAN LINGENFELTER: I would think that this
9 statement is pretty crystal clear.

10 MR. TAKACS: But you did not say that when you just
11 blew through it two motions ago.

12 CHAIRMAN LINGENFELTER: It's in the text. It's
13 already —

14 MR. TAKACS: That's why I'm here.

15 CHAIRMAN LINGENFELTER: It's already in the text.
16 All you have to do is get the text and read it.

17 MR. TAKACS: Oh, it's our job?

18 CHAIRMAN LINGENFELTER: Are you a property owner in
19 the township?

20 MR. TAKACS: Yes, sir, I am.

21 CHAIRMAN LINGENFELTER: Okay. Then I think it's
22 incumbent upon you to learn that.

23 MR. TAKACS: It's our job?

24 CHAIRMAN LINGENFELTER: Yeah, I would think so.

25 MR. TAKACS: I don't see anything in the *News Herald*
26 or anywhere else in print telling us what is going to be done.
27 You're just going to change the rules and not even tell us
28 until it's too late. I don't think that's fair, as Concord
29 Township citizens.

30 CHAIRMAN LINGENFELTER: You know, sir, to be honest

1 with you, I am not interested in getting in an argument.

2 MR. TAKACS: I'm not getting in an argument either.

3 I want information. I want information for everyone in the
4 township to know what the rules are going to be and when
5 they're going to be changed.

6 CHAIRMAN LINGENFELTER: We have had multiple,
7 multiple, okay —

8 MR. TAKACS: I have lived here for a 35 years in the
9 same house.

10 CHAIRMAN LINGENFELTER: Are you going to let me speak
11 now or are you going to continue to talk over me? Thank you.

12 We have had multiple work sessions regarding these
13 zoning text changes. All of those work sessions have been
14 published, okay, and have been broadcast on television and
15 they're there for public consumption. All of the recommended
16 changes that have been put together by our zoning inspector
17 have been, here at Town Hall, available. All you need to do is
18 stop in and ask for it. It's very simple. If you don't have
19 internet access, you don't have the ability to go on the
20 internet to look at this, then you have the ability to come to
21 Town Hall and ask for these recommendations.

22 It's all been available. This is not something
23 that's been done by fly of the night. This has been done
24 through multiple work sessions with all the zoning
25 commissioners involved and the input of other county
26 recommending bodies to make sure that we're doing this the way
27 it should be done. I don't know what more we can do for you.

28 MR. TAKACS: The way it should be done, you just said
29 it.

30 CHAIRMAN LINGENFELTER: Pretty much, put out there

1 for you. It's, pretty much, out there for you. Anytime you
2 want it, you can get it.

3 Now, are you done?

4 MR. TAKACS: Information is —

5 CHAIRMAN LINGENFELTER: Excuse me. Are you done?

6 MR. TAKACS: No, I'm not done.

7 CHAIRMAN LINGENFELTER: Are you in favor or are you
8 in opposition of this amendment?

9 MR. TAKACS: I'm in opposition of this.

10 CHAIRMAN LINGENFELTER: Okay. Then the record will
11 duly note that you are in opposition and I appreciate your
12 input, and I would appreciate if you would go back and take
13 your seat now.

14 MR. TAKACS: Thank you very much.

15 CHAIRMAN LINGENFELTER: Thank you.

16 All right. Now, we're on the carport.

17 MR. PETERSON: Yeah.

18 CHAIRMAN LINGENFELTER: That was Item Number 5. We
19 don't feel that that needs to be incorporated into the text.

20 MR. PETERSON: Correct.

21 CHAIRMAN LINGENFELTER: Okay. So we're going to let
22 that one slide.

23 All right. Number 6 is to require permanently
24 installed basketball hoops and similar structures to be
25 installed outside of the right-of-way and any temporary road or
26 cul-de-sac easement in Sections 15.03 G 7 and 18.03 G 7.

27 Kathy, any comment on that?

28 MS. MITCHELL: We can just add language that would
29 say "shall not be located within the right-of-way or any
30 temporary road or cul-de-sac easement."

1 CHAIRMAN LINGENFELTER: And we would add that in
2 the —

3 MS. MITCHELL: Under items — the general reference.

4 CHAIRMAN LINGENFELTER: Under Item G, the general
5 description?

6 MS. MITCHELL: Yes. That they — The basketball
7 hoops don't require a permit; however, we can make a reference
8 to the limitation on the location.

9 CHAIRMAN LINGENFELTER: We can do that under
10 basketball hoop on Number 7 or would we do that under G, the
11 accessory —

12 MS. MITCHELL: Well, we make another reference to
13 driveways and their location under that same section, so it
14 would seem to be appropriate to include it in this section with
15 the direct reference to the hoops.

16 CHAIRMAN LINGENFELTER: Okay.

17 MR. WENTZ: Fine.

18 CHAIRMAN LINGENFELTER: All right. So let's make
19 sure we put that in there then, so we will make an amendment to
20 add that.

21 Okay. Number 7 is remove the term of "Portable
22 On-demand Storage, PODS," Section 15.03 H, or list it after the
23 term "temporary" — after the term "temporary outdoor storage
24 unit."

25 MR. WENTZ: PODS is a brand name.

26 MR. McINTOSH: That's true. It needs to be generic.

27 CHAIRMAN LINGENFELTER: So do we want to include
28 "PODS" then or do we want to just delete that?

29 MR. WENTZ: Well, we want to include that kind of —

30 MR. PETERSON: Description, yeah.

1 MR. McINTOSH: They're recommending "temporary
2 outdoor storage units" as a definition of what — I think Larry
3 is right.

4 MR. WENTZ: E.g., PODS.

5 MR. McINTOSH: That's a brand name. There's got to
6 be other people that have something.

7 MR. WENTZ: Yeah, there are.

8 MR. McINTOSH: Right. So we don't want to focus on
9 just that brand.

10 CHAIRMAN LINGENFELTER: Yeah. I think they made an
11 example of some other —

12 MR. McINTOSH: Yeah.

13 CHAIRMAN LINGENFELTER: There are, like, some other
14 name brands that are out there. So then we're okay with making
15 that change then?

16 MR. WENTZ: Yes.

17 CHAIRMAN LINGENFELTER: All right. Kathy, Do you
18 understand what we want to do there?

19 MS. MITCHELL: I am going to eliminate the reference
20 "PODS" altogether and just "temporary."

21 CHAIRMAN LINGENFELTER: Yeah. I would just get rid
22 of the word. I would just get rid of "PODS," period, and let's
23 just call it "temporary outdoor storage units."

24 MS. MITCHELL: Okay.

25 CHAIRMAN LINGENFELTER: Okay. So take that
26 amendment.

27 Okay. On Number 8, prohibit the temporary on-demand
28 storage units from being located in any temporary road or
29 cul-de-sac easement, Section 15.03 H 1 e.

30 MR. WENTZ: It seems to me that's pretty clear. We

1 prevent them from being a hazard.

2 CHAIRMAN LINGENFELTER: Right. Kathy, you okay with
3 adding that?

4 MS. MITCHELL: Yes.

5 CHAIRMAN LINGENFELTER: Okay. We'll make that
6 amendment.

7 Number 9, put maximum length and height limitations
8 on the temporary outdoor storage units. Also state no semi
9 trailers.

10 Are you okay with that, Kathy?

11 MS. MITCHELL: I don't know if you have a specific
12 height in mind. We pulled up some references to typical
13 heights, which are about 8 feet high. Our maximum height on
14 accessory buildings that we proposed is 20 feet. It doesn't
15 seem like we need to go as high as 20 feet but I don't know if
16 we want to go exactly 8 or if we want to go slightly higher
17 than that or —

18 MR. SCHINDLER: If you go higher, that means you're
19 allowing tractor trailers.

20 MS. MITCHELL: I mean, that was just one example of
21 what we pulled, and then it was also the same example that they
22 used in the Planning Commission meeting of what a typical
23 dimension is of the outdoor storage units. Typically, they're
24 8 feet high. I haven't researched more fully if they could go
25 higher. I honestly just don't know. I can find that out. But
26 if you want to put a specific height on it, I can look at that
27 further, or if you want to just give me a number, we can do
28 that, too.

29 MR. WENTZ: PODS, the largest PODS unit is 8 wide and
30 16 — 8 high and 16 long?

1 MR. PETERSON: Was it 20 there?

2 CHAIRMAN LINGENFELTER: 22 along the bottom.

3 MR. SCHINDLER: Along the bottom, 8 by 8 by 20
4 length.

5 MR. WENTZ: Is that an example or is that an actual
6 PODS unit?

7 MR. SCHINDLER: These are ones they listed that are
8 available.

9 MR. McINTOSH: That's what's available in the
10 marketplace now.

11 MR. SCHINDLER: Right. And they can get larger,
12 depending, because they keep building them.

13 MR. McINTOSH: I guess my comment would be, I don't
14 know that I want to just go and take a look at what's there now
15 and say that's the max. I am not saying I want to go 20 feet
16 either but maybe we need to give a little latitude and not — I
17 mean, that's a sheet of four or five examples that are 8 feet
18 only, but do we want to just — How restrictive do we want to
19 be and have a little latitude?

20 MR. WENTZ: Maybe we ought to just say no semi
21 trailers.

22 MR. McINTOSH: Do we need to define that?

23 MR. PETERSON: There is somebody —

24 MR. SCHINDLER: If we start having these getting
25 larger and larger, especially in a residential area —

26 MR. McINTOSH: Right. I think there should be a
27 limit of some kind but I am just wondering, you know, should we
28 go — We're looking at a couple of examples of 8 feet. And,
29 again, I guess I am asking a question. Do we need to define
30 standard semi trailer? I don't know what the standard is. We

1 probably need to find out what, you know — You could get into
2 something that's, well, it's not a semi trailer, maybe it's
3 not. Then it's size is a little smaller. Someone may take us
4 to task on that if it is not properly defined. And how do we
5 enforce it?

6 MS. MITCHELL: Right.

7 MR. McINTOSH: I mean, I'm fine with putting a limit
8 on a temporary storage unit as far as dimension but I am just
9 not a hundred percent sure what that limit is.

10 MS. MITCHELL: Right.

11 CHAIRMAN LINGENFELTER: So do we want to use the POD
12 as the — the footprint of the POD as a general rule of thumb
13 or —

14 MR. PETERSON: If those are the standard sizes, what
15 would be wrong with going with maybe the maximum of those?
16 They don't seem to be unreasonable, 8 by 8 by 20. I would be
17 in favor of that, the largest one that's typically available.

18 MS. MITCHELL: They're recommending just a height.
19 Do you want to go with the full dimension or the height only?

20 MR. PETERSON: Well, it says length and height.

21 MR. McINTOSH: They're saying length and height.

22 MS. MITCHELL: Oh, I'm sorry. I'm looking at
23 Item 11. Sorry.

24 MR. WENTZ: I guess, I would be in favor of using
25 PODS as the example, using their dimensions.

26 MR. PETERSON: 8 by 8 by 20, I would, too.

27 CHAIRMAN LINGENFELTER: Unless we have some
28 compelling information that states that there are a lot of
29 variations in sizes. I mean, I think these are pretty
30 standard. Just the name on the side of the box is what's

1 different.

2 MR. WENTZ: Let's go with that.

3 CHAIRMAN LINGENFELTER: The only question I would
4 have is if that's a nonstandard size, then would you be
5 limiting the use of PODS, you know?

6 MR. PETERSON: That would be the maximum.

7 MR. McINTOSH: That's sort of what I am saying is,
8 what are the other ones? I mean, are we're looking at
9 basically one vendor's version here. Are we going to write our
10 zoning text to suit one provider of this product? What if
11 somebody says — I agree with you, it's probably pretty close.
12 What if somebody else is 8 and a half or something odd like
13 that? All of the sudden, you know, we've now eliminated the
14 ability for someone to use a vendor in our township because we
15 wrote our text to reflect what we had on hand that night.
16 That's primarily my concern.

17 MR. SCHINDLER: We should have set some kind of a
18 standard that's, you know —

19 MR. McINTOSH: Right.

20 MR. SCHINDLER: — for the area that's appropriate.

21 MR. LINGENFELTER: I agree.

22 MR. PETERSON: I think, because they're transported
23 on the highway, there are restrictions there and I think 8 feet
24 is pretty standard.

25 CHAIRMAN LINGENFELTER: I just would hate to put a
26 specific number on it that would then restrict it to PODS only
27 and then, if somebody else has a box that's 9 by 10 or 10 by
28 20, then they are not allowed to use that one.

29 MR. McINTOSH: That's what I am saying.

30 CHAIRMAN LINGENFELTER: So do we add 2 feet onto

1 those dimensions in both directions and that would give us
2 enough wiggle room that would allow others to fit within it,
3 make a, you know —

4 MR. McINTOSH: A compromise?

5 CHAIRMAN LINGENFELTER: Add 2 feet and call it 10 by
6 10 by 22 maximum, that gives you 2 feet extra in length and 2
7 in height and width? That should encompass just about anybody
8 else's product that would fall within that guideline.

9 MR. PETERSON: If they can move something that big,
10 yeah, you can accomplish your objective.

11 MR. SCHINDLER: There again, is that size appropriate
12 for the residential area?

13 CHAIRMAN LINGENFELTER: We're only talking about 2
14 feet in all directions.

15 MR. McINTOSH: Right. I agree with Andy, if you're
16 adding a little bit of tolerance from the manufacturing sort of
17 things. You know, where I spend my days, we have pluses and
18 minuses. I am saying if we, kind of, all agree that 8 by 20 is
19 reasonable, do we add a little grace period in there for
20 something that maybe isn't a POD but would still qualify as
21 temporary? Somebody has something that they put on their —
22 you know, they didn't go buy a POD, they bought some other kind
23 of container and they put it on their property for 30 days.
24 Well, they move out and they haul it away themselves.

25 You know, if we put a standard in there, say the 8 by
26 20, and they've got something that's a foot longer or a little
27 bit higher, technically, they can't use it because our zoning
28 text is based on PODS' dimensions. I agree with allowing a
29 little bit of extra latitude, 1 to 2 feet. I don't feel that
30 that —

1 CHAIRMAN LINGENFELTER: Because it is temporary
2 anyway.

3 MR. McINTOSH: We already have a limitation in the
4 text that you can't leave it there forever, so it's not like —
5 We've already said it's okay to use it. I just hate to be that
6 restrictive where someone is like, the only thing I can use is
7 POD or some commercially provided one.

8 MR. SCHINDLER: It is like we're showing favoritism
9 to one company, manufacturer.

10 MR. McINTOSH: Right. That's what I'm thinking,
11 yeah.

12 CHAIRMAN LINGENFELTER: So what would we — We would
13 add that, make that what, H? Would we make that H or what
14 would — add H to the — I don't know, fit it in wherever you
15 think it would be appropriate. Just move everything around.
16 The dimensions would probably fit maybe as in B, defining the
17 dimensions, and then move everything down from there.

18 MS. MITCHELL: I can do that.

19 CHAIRMAN LINGENFELTER: That's up to you, Kathy. I
20 mean, wherever you think it would fit. We're going to need to
21 add another letter. We will have to another letter, I, to
22 incorporate the size dimensions and we will make that 10 by 10
23 by 22 maximum so, that way, we're not limited to any specific
24 manufacturer in case there is a little bit of wiggle room.

25 Yes?

26 MR. TAKACS: You just said 10 by 10 by —

27 CHAIRMAN LINGENFELTER: 22.

28 MR. TAKACS: So, in other words, anyone that has a
29 commercial trucking company in the township or anything like
30 that that has any semi trailers or any box trucks that hauls

1 gravel or coal or anything like that are going to be not in
2 compliance with your new ruling?

3 CHAIRMAN LINGENFELTER: No.

4 MR. TAKACS: No, they won't be.

5 CHAIRMAN LINGENFELTER: It's regarding temporary
6 storage.

7 MR. TAKACS: Right. And that way, if they park the
8 car or, I mean, the car — I am sorry. If they park their
9 trailer there, they have five trailers, they don't use one for
10 five, six days, what's temporary? You're not addressing this.
11 You know, if these people haul freight, like Kinney's, what are
12 you going to do? Are you going to tell them that they can't
13 park their semis on their own property out there in Concord, or
14 other people that have trucking companies in Concord? I
15 mean —

16 MR. WENTZ: I don't think those would fall under the
17 category of temporary.

18 MR. TAKACS: Sir, he's the one picking the number,
19 not me. I am just addressing the question.

20 MR. WENTZ: I think I just gave you an answer. You
21 may not like my answer but that's my answer.

22 MR. TAKACS: Well, if he writes at 10 by 10 by 22,
23 then all those people will be not in compliance once this goes
24 in effect.

25 MR. WENTZ: You think they should be considered
26 normally temporary outdoor storage?

27 MR. TAKACS: If they park it more than five days,
28 it's permanent, it's not temporary. Where does temporary and
29 permanent come in? I am not the one to judge.

30 MR. PETERSON: That wouldn't be parked for the

1 purpose of storage. It would just be —

2 MR. WENTZ: Part of the business.

3 MR. PETERSON: We're talking about storing material
4 in it.

5 MR. TAKACS: And that, again, is the same —

6 MR. WENTZ: If it is not part of a business, then
7 probably they shouldn't be there. If it's not part of the
8 business, then perhaps they shouldn't be there.

9 MR. TAKACS: I would like you to call them and tell
10 them that, as taxpayers of Concord Township.

11 MR. WENTZ: Sure.

12 Number 10.

13 CHAIRMAN LINGENFELTER: Okay. So we know what we're
14 going to make the changes there, 10 by 10 by 22, correct?

15 MS. MITCHELL: Yes.

16 CHAIRMAN LINGENFELTER: All right.

17 Item Number 10 is, the Lake County does not have a
18 director of human services. Please contact Lake County
19 Department of Jobs and Family Services if they fill the
20 position of human services in Lake County and change the
21 certifying agency name in Section 15.03 I.

22 So that's just basically a text change, verbiage
23 change.

24 MR. SCHINDLER: Verbiage change.

25 CHAIRMAN LINGENFELTER: Yeah. We'll make that
26 change. We will make that amendment.

27 Okay. Number 11 is, in Section 15.09, state that the
28 maximum height is to be measured from final grade or
29 established grade.

30 MR. WENTZ: I think that was probably the intention.

1 CHAIRMAN LINGENFELTER: Right. We had "established
2 grade" wording in there and we took it out. We struck it. So
3 do we want to put that back in there?

4 MR. PETERSON: Yeah, to the roof peak.

5 CHAIRMAN LINGENFELTER: Because if you look at the
6 strike-out, it says, right there, the established grade to the
7 roof peak.

8 MR. PETERSON: To the roof peak, yeah.

9 CHAIRMAN LINGENFELTER: So do we want to put final
10 grade or —

11 MR. McINTOSH: Do we want to put the roof peak in
12 there, too?

13 CHAIRMAN LINGENFELTER: What's that, Kathy?

14 MS. MITCHELL: Under the definition of "building
15 height," we don't use roof peak. We use, based on the type of
16 roof, so we actually define that. In most of the sections of
17 the code, we say "established grade" and we leave it at that,
18 and then how we determine building height is defined in the
19 Definitions section.

20 MR. McINTOSH: Okay.

21 CHAIRMAN LINGENFELTER: So then do you think we need
22 to put that back in there then?

23 MS. MITCHELL: Yes.

24 CHAIRMAN LINGENFELTER: So we'll just put
25 "established grade" back in there. We will use established
26 grade, which was already in there. We will reinsert that term
27 into 15.09, okay, so we'll make an amendment there.

28 Okay. Number 12, allow PODS to remain on site for 90
29 days. Add language that would state the property owner may ask
30 for a variance for additional time. This is because the

1 Planning Commission felt the PODS would be used during rehabs
2 and would be on site for more than 30 days.

3 MR. PETERSON: That might seem reasonable, actually.
4 If you're rehabing a house, you're going to have it there more
5 than 30 days.

6 CHAIRMAN LINGENFELTER: Is a POD typically used for a
7 rehab?

8 MR. PETERSON: It can be. Well, POD, maybe not, but
9 any big storage unit like that can be. It can be used for
10 material.

11 CHAIRMAN LINGENFELTER: I would think that — I would
12 think that a POD is primarily uses for moving, you know, when
13 you're moving in or you're moving out.

14 MR. McINTOSH: Well, I think we're attempting to head
15 some of that potential off because somebody could just roll
16 something up on the property and say, "Oh, I'm out of space in
17 my house," throw it out in the driveway.

18 CHAIRMAN LINGENFELTER: Exactly. It's already been
19 done.

20 MR. McINTOSH: Well, right. My thought is, I think
21 we're still writing the book on how these things might be
22 used. So I come to the point of, when somebody would request a
23 variance for longer, where do we want that threshold to be
24 before we're intervening in ordinary use? You know, 30 days
25 would be seem like it might be adequate time for someone to put
26 something up they're moving out. They're up and gone in 30
27 days.

28 Rehabing a house, how many times do we want them to
29 have to come back to us to get approval to continue?

30 If we left it at 30 and then said, but they can

1 always come back and ask for a variance, they're coming to
2 get — you know, that's two times they're stopping back to say,
3 hey. If their window is 90 days, they're coming back two times
4 to get approval from us. Is that more work than we want to do
5 or do we want to have that high of a threshold as far as
6 reviewing what people are doing with these units?

7 CHAIRMAN LINGENFELTER: I think, to me, 90 days puts
8 in room for abuse. 30 days is going to cause you to have to
9 come in and ask for an extension, which we're, more than
10 likely, we're going to grant.

11 MR. McINTOSH: Right.

12 CHAIRMAN LINGENFELTER: We're probably going to give
13 them a couple of extensions that will cover the 90. Because 90
14 days, then they can — that's three months. That's a long
15 time. That's a summer, you know. That's a whole summer.

16 MR. McINTOSH: College student comes home, throws
17 their stuff in the garage for the summer.

18 CHAIRMAN LINGENFELTER: Right. I think 30 days is
19 good. Do we have wording in there about giving them
20 extension?

21 MS. MITCHELL: No. We can add the language as they
22 have recommended.

23 CHAIRMAN LINGENFELTER: Maybe we should just add — I
24 don't know whether we would maybe add it included it in Item b,
25 H 1 b, for a period not to exceed 30 days, you know, and then
26 just kind of say that additional time can be requested.

27 MS. MITCHELL: Yes.

28 MR. WENTZ: Extension is available from the Zoning
29 Department.

30 CHAIRMAN LINGENFELTER: Right. Variance for

1 additional time can be requested at the Zoning Department, so
2 just kind of amend. I don't think we need to add another
3 letter in there. I think we just add that wording to H 1 b.

4 Any comment on that, Mike?

5 MR. LUCAS: Well, I think you've got to be careful
6 because you're asking Kathy to extend at her discretion what is
7 otherwise prohibited by the Resolution itself. I mean, they're
8 not going to apply to the Zoning Department. Kathy is going to
9 say — I think we'd be probably more comfortable in indicating
10 it should go to the Board of Zoning Appeals. If that's what
11 you're talking about doing, that's a problem.

12 MR. WENTZ: Yeah. In which case, I'm uncomfortable
13 with 30 days being too short.

14 MR. LUCAS: You are uncomfortable with —

15 MR. WENTZ: I think 30 days would be too short if we
16 do it that way.

17 CHAIRMAN LINGENFELTER: Yeah. If you've got to go —

18 MR. LUCAS: Yeah. That's, I guess, the point that
19 came up. I know Kathy, historically, is reluctant, as most
20 zoning — all zoning inspectors are. You know, you leave
21 something at the discretion of the zoning inspector that's
22 contrary to the prohibition of the Resolution, you know —

23 CHAIRMAN LINGENFELTER: Right.

24 MR. LUCAS: — she can make a decision and someone is
25 going to say, "I totally disagree with that," i.e., a trustee,
26 hypothetically. And then, you know, she doesn't have any
27 parameters.

28 CHAIRMAN LINGENFELTER: Right. So then the
29 alternative would be then they would have to take it to the
30 Board of Zoning Appeals.

1 MR. LUCAS: Well, that would be where, logically, in
2 the absence of increasing the 30-day period, it should end up
3 because you're talking about an extension beyond what's
4 prescribed by the Resolution itself. And if 90 days, for
5 instance, a temporary outdoor storage unit, which is what H 1 b
6 says, if you are rehabing, 30 days is too short.

7 CHAIRMAN LINGENFELTER: Right.

8 MR. LUCAS: Perhaps.

9 CHAIRMAN LINGENFELTER: You can figure at least six
10 weeks.

11 MR. LUCAS: You don't want to be in the position of
12 having somebody have to come back in, you know, outside of a
13 normal rehab period, if there is such a thing as normal rehab
14 period, and come in front of the Zoning Board of Appeals time
15 after time after time to get 90 days in or 120 days, which I
16 think is part of the point of what this Planning Commission
17 from Lake County was talking about.

18 CHAIRMAN LINGENFELTER: Right. All right. So then
19 the question becomes, do we want to, if we're not comfortable
20 with 30 days, do we want to extend to it 90 or do we want to
21 compromise at a number somewhere between 30 and 90? I think 90
22 is too long.

23 MR. McINTOSH: I agree, and basically because we've
24 had, in our work sessions, we've all received e-mails and there
25 have been pictures passed around. We're already getting
26 complaints from the residents about abuse of these storage
27 units being left in driveways for extended amounts of time. I
28 agree that this window of 30 days seems like it is kind of
29 tight for legitimate projects, but I agree with Andy. If you
30 go out to 90, somebody drags their feet in getting in here,

1 you've got issues and this turns into a thing. And 90 days is
2 a pretty good chunk of time. We seem to be opening ourselves
3 for abuse with that. I agree with that a little bit, so I am
4 wondering if a compromise, 45, 60 days, you know —

5 MR. PETERSON: It would seem to be revolving around
6 what's the use of the item. Because if we go to the very next
7 item, which is dumpsters and talks about temporary construction
8 equipment, then that POD becomes a temporary construction
9 device because it's during the rehab of a house or whatever.
10 But if we're talking about strictly for personal storage, then
11 30 days might be reasonable, but if you get into a rehab, then
12 it becomes part of construction equipment. In Item 2 here,
13 then you can cover that by saying it can be there for the
14 length of time of the construction work.

15 CHAIRMAN LINGENFELTER: Could you do that, Michael?
16 Would that be reasonable to do, in your opinion?

17 MR. PETERSON: Different uses, in other words?

18 CHAIRMAN LINGENFELTER: Where you could classify the
19 temporary storage unit as part of the construction, temporary
20 construction equipment, or is that too much of a stretch?

21 MR. LUCAS: Well, I mean, you can do that and have it
22 linked or have some nexus to the ongoing construction work.
23 But, you know, when whenever you delineate between one
24 particular unit — or one use versus a rehab use, that's always
25 a problem, I think.

26 CHAIRMAN LINGENFELTER: Well, to me, I think it is
27 the, you know — When I look at this, I think it is delineated
28 because you have one that's addressing storage specifically and
29 then we have temporary construction equipment. I think
30 temporary construction and storage are two different issues.

1 MR. PETERSON: Because they're even recommending we
2 add dumpsters in there —

3 CHAIRMAN LINGENFELTER: Right.

4 MR. PETERSON: — which is temporary storage for
5 building material or removal.

6 CHAIRMAN LINGENFELTER: To me, I would think a
7 dumpster would be included as a temporary construction piece of
8 equipment.

9 MR. PETERSON: Right.

10 CHAIRMAN LINGENFELTER: Unless we feel compelled to
11 add specifically the name dumpster.

12 MR. McINTOSH: So you're calling that equipment not
13 temporary storage, the dumpster?

14 CHAIRMAN LINGENFELTER: Right. Or a POD, if it's —
15 if you're doing a rehab.

16 MR. PETERSON: And you're housing construction
17 equipment or materials.

18 CHAIRMAN LINGENFELTER: If you define it as you're
19 doing a rehab job, then it would fall under 2 because now
20 you're dealing with construction, and that gives you the wiggle
21 room to keep that on site until the construction is done.

22 MR. PETERSON: That's what I'm thinking.

23 MR. LUCAS: Right.

24 CHAIRMAN LINGENFELTER: And construction storage
25 would cover us strictly on the storage issue which would, I
26 think, then at that point —

27 MR. PETERSON: 30 days.

28 CHAIRMAN LINGENFELTER: — 30 days, to me, is more
29 tenable. Agreed?

30 MR. PETERSON: I agree.

1 MR. SCHINDLER: Agreed.

2 MR. WENTZ: Okay.

3 CHAIRMAN LINGENFELTER: Mike, okay, you think?

4 MR. LUCAS: Yeah. I think that's correct.

5 CHAIRMAN LINGENFELTER: Are we clean on that?

6 MR. LUCAS: Between H 1 and H 2.

7 CHAIRMAN LINGENFELTER: Would it make sense then,
8 Michael, to put the term "temporary storage unit" in addition
9 with the construction equipment or just leave that alone in 2?

10 MR. LUCAS: Well, you've got temporary outdoor
11 storage unit in that 30-day time limit under that H 1 b
12 language. You're going to have a conflict if you put in
13 temporary outdoor storage unit in H 2.

14 CHAIRMAN LINGENFELTER: Okay. All right. So I think
15 we leave it the way it is. Are we in agreement on that?

16 MR. McINTOSH: Yes.

17 CHAIRMAN LINGENFELTER: So if it's temporary storage,
18 it's 30 days. If it's construction related, then it's going to
19 go to —

20 MR. PETERSON: The length of the project.

21 CHAIRMAN LINGENFELTER: — whatever the duration of
22 the project is.

23 MR. TAKACS: May I ask a question, please?

24 CHAIRMAN LINGENFELTER: Yes.

25 MR. TAKACS: You know, some of the —

26 CHAIRMAN LINGENFELTER: Come up to the podium,
27 please.

28 MR. TAKACS: My name is Edward Takacs, again. Some
29 of those contracts with those PODS are for 90 days at a time.
30 So if someone, one of your homeowners, signs a contract for 90

1 days at a time and you're going to tell them they have to get
2 it out of their driveway within 30 days, what are they supposed
3 to do with it for the next 60 days? Just a question. You
4 don't care.

5 CHAIRMAN LINGENFELTER: 90 days is the only option
6 they have?

7 MR. TAKACS: No, sir. It was just a question.

8 CHAIRMAN LINGENFELTER: Well, if 90 days isn't the
9 only option they have, then they have 30 days, then they
10 shouldn't sign an agreement for 90 days.

11 MR. TAKACS: In other words, you are the ones that
12 are dictating what they should sign their contract for,
13 Mr. Lingenfelter?

14 CHAIRMAN LINGENFELTER: Yes. Not me, the Zoning
15 Commission.

16 MR. TAKACS: That's you said, yes. That's all I want
17 to hear.

18 MR. WENTZ: You know, most of these companies offer
19 off-site storage, if necessary.

20 CHAIRMAN LINGENFELTER: Right.

21 MR. WENTZ: It really isn't a problem.

22 CHAIRMAN LINGENFELTER: Exactly.

23 MR. TAKACS: I just don't want the township to be
24 liable for the extra 60 days.

25 MR. LUCAS: The township would never be liable for
26 the extra 60 days, Ed, ever.

27 MR. TAKACS: Who told you?

28 MR. LUCAS: I don't need to have anyone tell me. I
29 am telling you.

30 CHAIRMAN LINGENFELTER: Mr. Takacs, look.

1 MR. TAKACS: Who would —

2 CHAIRMAN LINGENFELTER: Mr. Takacs. Mr. Takacs.

3 Mr. Takacs. Okay. I am trying very hard, okay, very hard to
4 be understanding and allow you to have your say. Okay? But I
5 am not going to allow a back-and-forth banter with anyone in
6 this room with regards to what we're doing.

7 MR. TAKACS: Fair enough.

8 CHAIRMAN LINGENFELTER: It's counterproductive to
9 doing what we're trying to do and I am just not going to allow
10 it.

11 MR. TAKACS: It is — your point is —

12 CHAIRMAN LINGENFELTER: If you are going to continue
13 in this method, sir, I want to respectfully request that you
14 take yourself out of here. Okay?

15 MR. TAKACS: These are legitimate points.

16 CHAIRMAN LINGENFELTER: I am going to respectfully
17 request that, if we're going to continue down this road of this
18 back-and-forth banter, I don't see any value to the input that
19 you are having right now.

20 MR. TAKACS: You do not see any value to my input?

21 CHAIRMAN LINGENFELTER: Other than an interruption
22 right now. Okay? So I would appreciate it — I would
23 appreciate it if you would go back and have a seat now. Okay?
24 I would appreciate that.

25 MR. TAKACS: I am sure you would but I feel these are
26 legitimate points that need to be addressed.

27 MR. WENTZ: I think arguing legal points with an
28 attorney is counterproductive during this meeting. You might
29 want to make an appointment and pay for that on your own time.

30 MR. TAKACS: Thank you, sir. We will go on to the

1 next one on your list.

2 MR. WENTZ: Have we gone through all the issues on
3 Amendment 1?

4 MR. McINTOSH: We didn't —

5 MR. SCHINDLER: We didn't agree yet.

6 MR. McINTOSH: Well, 13.

7 CHAIRMAN LINGENFELTER: Well, we already talked about
8 adding dumpsters to the list.

9 MR. McINTOSH: So we're in agreement with adding
10 dumpsters?

11 MR. SCHINDLER: And we're in agreement with making
12 the timetable.

13 MR. McINTOSH: And we're leaving it at 30 days.

14 MR. SCHINDLER: 30 days.

15 CHAIRMAN LINGENFELTER: Right.

16 MS. MITCHELL: No change and no reference to
17 variance?

18 CHAIRMAN LINGENFELTER: No, no. We think that the 30
19 days is adequate for storage and that a temporary structure can
20 be included in the construction equipment under any sort of
21 rehab work that's being done. We feel our bases are covered.

22 You feel we should add dumpster then, the term
23 "dumpster" to the —

24 MS. MITCHELL: Agree.

25 CHAIRMAN LINGENFELTER: — to the temporary
26 construction equipment?

27 MR. PETERSON: I think that's a good idea.

28 CHAIRMAN LINGENFELTER: All right. So we will add
29 "dumpster." Okay. So that covers Amendment Number 1.

30 Now we will move to Amendment Number 2. Number 2 is

1 update the Accessory Use Regulations in the R-4 Residential
2 District by expanding the types of accessory uses permitted in
3 Section 18.03 A. Clarify the general requirements applicable
4 to accessory uses in Section 18.03 B and accessory buildings in
5 Section 18.03 B. This item and subsequent will be renumbered.
6 Add general requirements for other accessory structures
7 permitted in Section 18.03 E. Clarify the permit requirements
8 for accessory uses, building and structures in Section 18.03 F,
9 and identify the types of structures that do not require a
10 zoning permit in Section 18.03 G. Add requirements for
11 temporary structures in Section 18.03 H, and define Family Day
12 Care Homes, Type B, in Section 18.03 I. And modify the side
13 yard setback requirements for accessory buildings or structures
14 and the allowable projections into required yards in Section
15 18.07. And add height requirements for accessory structures in
16 Section 18.09.

17 Now, the Lake County Planning Commission kind of
18 combined their recommendations on both in the same
19 recommendation, so they, Number 1, they wanted to revise the
20 customary occupations. We decided that that was not
21 necessary. I would have to think that would also fit under
22 R-4, unless anybody thinks otherwise. We're okay with omitting
23 that?

24 And then revising, Number 2, revising the title
25 section of 18.03 A to "Types of Uses, Buildings and
26 Structures." We decided to amend that in the first proposal.
27 I would think we would probably want to be consistent and do
28 that in the second one as well.

29 MR. PETERSON: Right.

30 CHAIRMAN LINGENFELTER: Number 3, revise

1 Section 15.03 D 1 — I'm sorry — 18.03 D 1 to read 1,024
2 square feet. Again, we amended that in the first section. I
3 think we should do so in the second section for consistency
4 sake.

5 Number 4 was, require that accessory structures and
6 buildings may only be located on lots of principal building in
7 18.03 D 4. The prohibition is on construction only. We had
8 decided to make that amendment, so I would assume we would want
9 to keep that also in Amendment 2. Yes? Okay.

10 MR. PETERSON: Excuse me. Could we back up for a
11 second?

12 CHAIRMAN LINGENFELTER: Yes.

13 MR. PETERSON: I want to go back to Item 3. It talks
14 about lot sizes less than 1 acre in the Lake County
15 recommendation, but on our code it talks about less than 2
16 acres. There is a disparity there, correct? We say 2 acres,
17 not — and 2 acres, less than the 2 acres in size. In D 1,
18 we're saying less than 2 and they're saying less than 1.

19 MS. MITCHELL: That's correct, Rich. It's an error
20 in the way it's written.

21 MR. PETERSON: Is that currently less than 1?

22 MS. MITCHELL: No. It's less than 2.

23 MR. PETERSON: It's less than 2, okay. They're
24 recommending less than 1.

25 MS. MITCHELL: I don't think they're recommending
26 less than 1. I think they're just recommending the language
27 "lot area," which is what is in bold. They're asking us to
28 change the use of the term "parcel" to "lot area" because lot
29 area is defined in the definition section and parcel is not. I
30 think he just made an incorrect reference to the acreage

1 requirement.

2 MR. McINTOSH: That's the way I read it.

3 MR. PETERSON: So they're recommending that it says,
4 revise it to read "on parcels with lot area of less than 1
5 acre," that's how I read Item 3 here on the Lake County
6 recommendations.

7 MS. MITCHELL: I see what you're saying. And,
8 actually, I also spoke to Dave and we talked about this item
9 and he was specifically referring to the definition of parcel
10 versus lot area.

11 MR. PETERSON: Okay.

12 MS. MITCHELL: If you want to agree and make that
13 change, so we make that correct for the record.

14 CHAIRMAN LINGENFELTER: So then we would strike
15 the —

16 MR. McINTOSH: I think we're just changing "parcels
17 of land" to "lot area," that's correct.

18 MR. LUCAS: No. We're changing "parcel of land" and
19 we're deleting "of land" and we're saying "parcels with a lot
20 area of less than 2 acres in size."

21 MR. McINTOSH: We're changing the reference to the
22 way we're referring to the property but not the —

23 MR. LUCAS: Right.

24 MR. McINTOSH: Acreage is not what we're looking to
25 change.

26 MR. LUCAS: Right. Because the Definition section
27 has "lot area" defined.

28 MR. PETERSON: Lot area is defined and parcels of
29 land is not, if you read it further.

30 MR. McINTOSH: Right. He's just referencing the way

1 we're talking about the land.

2 MR. PETERSON: Okay.

3 CHAIRMAN LINGENFELTER: So are we okay with that
4 then?

5 MR. PETERSON: Leave it at 2 acres?

6 CHAIRMAN LINGENFELTER: Yeah.

7 MR. PETERSON: Yeah. Okay.

8 MR. LUCAS: No change to acreage, just the
9 terminology.

10 CHAIRMAN LINGENFELTER: We good?

11 MR. PETERSON: Right.

12 CHAIRMAN LINGENFELTER: All right. Okay.

13 Item number — Let's see here. I am going to go down
14 to temporary — That was covered already, so we're not going to
15 readdress that Item Number 6. We're dealing with 18.03 G 7, on
16 the basketball hoops.

17 VIDEO TECHNICIAN: Andy, we've got a program error
18 here. We had something preprogrammed that interrupted our
19 feed. I don't know how to cut it out.

20 CHAIRMAN LINGENFELTER: We've been preempted by the
21 Trustees.

22 (Discussion was held off the record and there was a
23 short break.)

24 CHAIRMAN LINGENFELTER: All right. What I would like
25 to do then, let's go to Item Number 2 on the agenda, which is
26 temporarily until we —

27 VIDEO TECHNICIAN: We've still got the internet feed
28 that is live but the recording part, I stopped recording it and
29 closed that out, so all we're going to have is the internet
30 thing if you want to proceed with —

1 CHAIRMAN LINGENFELTER: So you've got streaming
2 internet but no live TV?

3 VIDEO TECHNICIAN: I won't be able to record it,
4 right, because I have no way of getting in to cancel the
5 program that's running. I don't know how to get through that
6 recorder to shut it down. There is, like —

7 CHAIRMAN LINGENFELTER: You can't. You don't have
8 the ability to record what's going on then?

9 VIDEO TECHNICIAN: No. It's got me locked out on
10 this channel.

11 MR. McINTOSH: It means we can't —

12 VIDEO TECHNICIAN: They have this preprogrammed.

13 MR. McINTOSH: We can't get rebroadcast.

14 CHAIRMAN LINGENFELTER: So if we've lost the ability
15 to record it, then there is no chance that we could reair it.

16 MS. MITCHELL: We have the transcript.

17 MR. SCHINDLER: We have our stenographer that would
18 still take everything down, what's been done.

19 MS. MITCHELL: She'll have everything.

20 MR. SCHINDLER: It just can't be televised.

21 MS. MITCHELL: That's why she's here.

22 MR. SCHINDLER: That's why she's here and that's
23 why —

24 CHAIRMAN LINGENFELTER: I think it should be because,
25 unless everybody knows what's happening, if it ever comes up
26 that this is what we were doing in the meantime.

27 MR. WENTZ: Do we want to take the correspondence
28 report and the minutes?

29 CHAIRMAN LINGENFELTER: Let's jump to Item Number 2.
30 We'll just temporarily suspend conversation on the amendments

1 for the text and we will go to Item Number 2 on the agenda,
2 which is the continuation of the site plan review for
3 Application Number 018 by Mr. Ryan Sommers. He was here
4 earlier with his representative and they have asked to table
5 this continuation until the next meeting while they're ironing
6 out their differences with the Fire Department on some issues.

7 MS. MITCHELL: Yeah. He can give us an update, at
8 least.

9 MR. LUCAS: Yeah. The Fire Department is here.

10 CHAIRMAN LINGENFELTER: Yes, if you would like to
11 give us an update.

12 MR. TERRIACO: What we discussed is the proposed road
13 that he has coming in, which leads to a cul-de-sac. So our
14 suggestion to him, so we have two access ways, is to dissect
15 the two cul-de-sacs. He is going to go back, draw up plans to
16 do that, so that the new proposed road that he has coming in
17 that ends in a cul-de-sac makes that a road and takes it up to
18 meet the other existing cul-de-sac, so that will give us our
19 access, meet our demands for the fire development. It will
20 meet our demands for the road width.

21 And then he'll open the, hopefully, open up the
22 entranceway a bit more to meet the fire code.

23 CHAIRMAN LINGENFELTER: So then your recommendation
24 at this point is to allow the two accesses off of Prouty Road?

25 MR. TERRIACO: No. Look at the print and I can show
26 you the print.

27 CHAIRMAN LINGENFELTER: Right here.

28 MR. WENTZ: Oh, here it is.

29 MR. LUCAS: Ron, all this has been conveyed to
30 Mr. Sommers, correct?

1 MR. TERRIACO: Yes. We're just talking. The
2 suggestion is going — This road that he has here, he is going
3 to connect this cul-de-sac with that cul-de-sac and that will
4 give us emergency access road through that. What he's saying
5 is, instead of making this a cul-de-sac, he is just going to
6 make this one road, come right up, connect to that cul-de-sac.
7 That's what he's going to propose for approval, right, but
8 he'll open this entrance. The minimum width has to be 20 foot
9 for this entrance, so he has to work out — There is that gate
10 there, the center piece for the gate, so he has to work on what
11 he is going to do with that because he does not own that. He
12 is coming up with some other ideas.

13 CHAIRMAN LINGENFELTER: So he's going to make this
14 one continuous road to come out.

15 MR. PETERSON: So he doesn't need the access off of
16 84.

17 MR. TERRIACO: Right. Because looking at the print,
18 you have your one way in and he can go this way or he can go
19 this way, right or left. Then he will stay with our minimum
20 road width that we required.

21 CHAIRMAN LINGENFELTER: Okay. All right. Cool. As
22 long as we have something that you're happy with.

23 MR. TERRIACO: He is going to draw them up and he's
24 going to propose them both at the next meeting.

25 MS. MITCHELL: Which will cause the detention basin
26 to shift. He is willing to do that?

27 MR. TERRIACO: I made it clear that Frank and I are
28 not zoning or county or anything like that. We're the fire
29 officials. Whatever he has to do with the drainage is —
30 that's not in our hands.

1 CHAIRMAN LINGENFELTER: Right.

2 Ma'am, were you able to hear what he was saying?

3 MS. WILEY: Somewhat.

4 CHAIRMAN LINGENFELTER: So you're interested in
5 what's going on over at Aria's Way. What they're drawing up
6 now is that there is two streets. The street comes in, and he
7 proposed having a second entrance coming in off of Prouty Road
8 which would be into it's own cul-de-sac.

9 What he's proposing, instead of making that a cul-de-
10 sac, continue that around and connect to the other cul-de-sac
11 with one entrance. So it is just basically in, like, one big
12 loop that would go around, having two cul-de-sacs. It would
13 eliminate the cul-de-sac and create just one continuous road
14 that would go around in the circle.

15 MS. WILEY: But there is only one entrance onto
16 Prouty?

17 CHAIRMAN LINGENFELTER: Right.

18 MS. WILEY: Where it currently is?

19 MR. SCHINDLER: Right, just going to be widened.

20 CHAIRMAN LINGENFELTER: And the fire department, you
21 guys are okay with this then?

22 MR. TERRIACO: Yes, we are.

23 CHAIRMAN LINGENFELTER: At this point then Chief
24 would give his —

25 MR. TERRIACO: Yes. We have already shown him.

26 MR. URANKAR: He's shown the drawings, what he comes
27 out with. I wouldn't anticipate any problems. We have to see
28 what he does propose.

29 CHAIRMAN LINGENFELTER: Right. This would be pending
30 his final or his drawings with what he wants to do.

1 MR. TERRIACO: Yes.

2 CHAIRMAN LINGENFELTER: Okay. All right.

3 And then the next item on the agenda was the — How
4 we doing? Are we back?

5 VIDEO TECHNICIAN: Partly. I got the other one
6 closed out and haven't got the other one rebooted yet. We
7 don't have any sound.

8 CHAIRMAN LINGENFELTER: So we'll have this — So we
9 will have Item Number 2 on the agenda tabled at the request of
10 the applicant.

11 MS. MITCHELL: The next meeting is when?

12 CHAIRMAN LINGENFELTER: Yes. That would be
13 February 1st or — no — that's the 1st. Yes, the first
14 Tuesday is the 1st.

15 MR. McINTOSH: Yeah, the 1st.

16 CHAIRMAN LINGENFELTER: How we doing?

17 VIDEO TECHNICIAN: About two minutes.

18 CHAIRMAN LINGENFELTER: Item Number 3 on the agenda
19 would be a correspondence report by the Zoning Commission
20 members. Any correspondence, Rich?

21 MR. PETERSON: I had none.

22 MR. McINTOSH: I didn't have any.

23 CHAIRMAN LINGENFELTER: Nothing?

24 MR. WENTZ: Nothing.

25 CHAIRMAN LINGENFELTER: Anything?

26 MR. SCHINDLER: Nothing.

27 CHAIRMAN LINGENFELTER: Same with me, nothing.

28 Okay. Hopefully, we will be back online here in a second.

29 VIDEO TECHNICIAN: Okay.

30 CHAIRMAN LINGENFELTER: We're back.

1 VIDEO TECHNICIAN: Wait until I check the other
2 internet feed. Okay. You want to make announcement that we're
3 back?

4 CHAIRMAN LINGENFELTER: Okay. We're back on. We're
5 back on, I guess, on TV.

6 VIDEO TECHNICIAN: Right.

7 CHAIRMAN LINGENFELTER: We've got everything running
8 again. We paused our discussions so that the viewing audience
9 at home would be able to stay caught up with us. We lost any
10 ability to record the session video wise, so we decided to just
11 wait until that was taken care of.

12 So we're back. We're looking at — We did the
13 basketball court. Now let's look at the — basketball hoops.
14 Let's look at Number 7, portable on demand, removing — we
15 removed from 15.03. We should do the same, I would think, in
16 18.03 H.

17 MR. PETERSON: Right.

18 CHAIRMAN LINGENFELTER: So we'll do that for
19 consistency sake.

20 Number 8, prohibit temporary units from being located
21 in the cul-de-sac or temporary road. We amended to include
22 that in 1, so I think we should do the same in 2.

23 Also, the reference to the length and height of
24 temporary outdoor storage units, we'll include that.

25 Number 10 would be the change in the director of
26 human resources verbiage. We amended that. I don't think
27 anybody has a problem with that issue.

28 Number 11, 18.09, state the maximum height, final
29 grade. We put that back in 1, so I think, again, for
30 consistency sake, we will put that back in on 2.

1 We did not make any changes on the on-site temporary
2 storage to 90 days, and we added "dumpster" to temporary
3 construction equipment.

4 So that goes through all of the Lake County
5 amendments. Now, let's go back and revisit.

6 VIDEO TECHNICIAN: I just got cut off.

7 CHAIRMAN LINGENFELTER: Again?

8 VIDEO TECHNICIAN: Oh, we're back.

9 CHAIRMAN LINGENFELTER: Okay. So what I would like
10 to do at this point is go back to —

11 MS. MITCHELL: Mr. Chairman, can I just clarify
12 Item 9? Did the board want to add "no semi trailers" or did we
13 just talk about the length and height?

14 MR. PETERSON: We just talked about the length.

15 MS. MITCHELL: Okay.

16 CHAIRMAN LINGENFELTER: We didn't cover the semi
17 trailer issue?

18 MR. McINTOSH: We didn't define that. We didn't
19 finish the discussion on that.

20 MR. SCHINDLER: No, because we're using that as
21 reference between the sizes in the storage units versus the
22 size of a trailer, of the semi trailer. They just want us to
23 be able to state "no semi trailers" as part of a storage shed.

24 MR. PETERSON: Personal storage, right.

25 MR. SCHINDLER: Personal storage shed. Some people
26 use that for storage.

27 CHAIRMAN LINGENFELTER: Yeah. But would the 10 by 10
28 by 22 roll out — I mean, a semi truck trailer is not going to
29 fall within a 10 by 10 by 22.

30 MR. SCHINDLER: No. Semi trailers are —

1 MR. McINTOSH: Does that get to one of our later
2 areas when we talk about vehicles and parking. We're talking
3 about — I mean, how does that — I mean, it's got wheels on
4 it. It's a trailer. I mean, the PODS or these temporary units
5 have to be dropped. They don't have wheels. Does a semi
6 trailer having wheels then define that more of a vehicle?

7 MS. MITCHELL: We do —

8 MR. McINTOSH: My question is, if we put the thing in
9 there, I am saying, but does it fit the definition of a
10 temporary storage unit if it's actually a trailer or does that
11 qualify as a vehicle?

12 MS. MITCHELL: We have the reference to the trailer
13 in the other section, the parking chapter.

14 MR. McINTOSH: Right.

15 MS. MITCHELL: We talk about that as storage of a
16 commercial vehicle or a trailer, so that is referenced there.
17 It is not referenced here.

18 MR. McINTOSH: That's what I am saying. Would it be
19 redundant to mention it again as a possible temporary storage
20 or have we covered it enough in vehicles? Because if we do
21 that then we might be putting it in two places, if we put it as
22 a temporary storage unit or a vehicle.

23 MS. MITCHELL: I wouldn't consider a trailer a unit
24 or container as defined the way we have defined those types of
25 items in the proposed definition. We say a temporary outdoor
26 storage unit or container intended for the purpose of storing
27 or keeping household goods and other personal property to be
28 filled, refilled or emptied while located outdoors on a
29 residential property and later removed for storage off site.
30 To me, semi trailer doesn't seem to fall under that.

1 MR. McINTOSH: Yeah.

2 MS. MITCHELL: We account for it in the parking
3 chapter.

4 MR. McINTOSH: Parking, yeah.

5 CHAIRMAN LINGENFELTER: You okay with that?

6 MR. SCHINDLER: Yeah.

7 MR. WENTZ: Yeah.

8 MR. PETERSON: Yeah.

9 CHAIRMAN LINGENFELTER: So we don't want to bother?
10 We don't want to include semi trailer?

11 MR. SCHINDLER: They just want us to state that for
12 verification, I guess, so there is no misunderstanding, so it
13 depends if you want to put it in.

14 MR. McINTOSH: Well, is there any doubt? Is there
15 any doubt with listing it twice? Is there any problem?

16 MR. SCHINDLER: No. We say it twice.

17 MS. MITCHELL: Personally, I think adding it is
18 confusing it.

19 CHAIRMAN LINGENFELTER: Right.

20 MR. SCHINDLER: We're confusing then —

21 MS. MITCHELL: Because we're talking about a very
22 specific type of structure.

23 MR. McINTOSH: Right.

24 CHAIRMAN LINGENFELTER: Yeah. I think just by its
25 omission, it's prohibited. It's not in there, it's not
26 allowed.

27 MR. SCHINDLER: Right, it's not allowed.

28 MS. MITCHELL: Or it falls under the other —

29 MR. McINTOSH: Right. And we will regulate it in
30 parking, yeah.

1 CHAIRMAN LINGENFELTER: Right. So I say we don't
2 worry about the semi trailer.

3 MR. SCHINDLER: Don't make reference to anything like
4 that. Then it's always it open for discussion.

5 CHAIRMAN LINGENFELTER: So we will go back to
6 Amendment Number 1, now that we've covered all of the
7 recommendations and proposed changes for Amendment 1 and
8 Number 2. I would like to go back to Number 1 and let's take a
9 vote on Number 1 in the affirmative and then we'll take a vote
10 on Amendment Number 2 in the affirmative, so I'll take a motion
11 for Amendment Number 1.

12 MR. WENTZ: Mr. Chairman, I move that we accept
13 Amendment Number 1 with the changes specified and proceed with
14 that as the basis for discussions that follow.

15 CHAIRMAN LINGENFELTER: I have a motion made.

16 MR. McINTOSH: I second.

17 CHAIRMAN LINGENFELTER: Kathy, would you call the
18 roll, please?

19 MS. MITCHELL: Mr. Schindler?

20 MR. SCHINDLER: Yes.

21 MS. MITCHELL: Mr. Wentz?

22 MR. WENTZ: Yes.

23 MS. MITCHELL: Mr. Peterson?

24 MR. PETERSON: Yes.

25 MS. MITCHELL: Mr. McIntosh?

26 MR. McINTOSH: Yes.

27 MS. MITCHELL: Mr. Lingenfelter?

28 CHAIRMAN LINGENFELTER: Yes. Okay. That takes care
29 of Amendment Number 1.

30 Amendment Number 2, a motion?

1 MR. McINTOSH: Mr. Chairman, I move that we accept
2 Amendment 2 along with all of the discussion and recommended
3 changes that we discussed from the Planning Commission and
4 proceed with the vote.

5 CHAIRMAN LINGENFELTER: We have a motion made.

6 MR. PETERSON: I'll second the motion.

7 CHAIRMAN LINGENFELTER: Seconded. Kathy, can I have
8 a roll, please?

9 MS. MITCHELL: Mr. Peterson?

10 MR. PETERSON: Yes.

11 MS. MITCHELL: Mr. McIntosh?

12 MR. McINTOSH: Yes.

13 MS. MITCHELL: Mr. Wentz?

14 MR. WENTZ: Yes.

15 MS. MITCHELL: Mr. Schindler?

16 MR. SCHINDLER: Yes.

17 MS. MITCHELL: Mr. Lingenfelter?

18 CHAIRMAN LINGENFELTER: Yes.

19 Okay. Now we're on to Amendment Number 3. The
20 purpose of Number 3 is, is to revise or add the following terms
21 and definitions to Section V, Definitions, of the Zoning
22 Resolution: accessory use or building; accessory structure;
23 arbor; building; building, detached; building, principal;
24 canopy; carport; commercial motor vehicle; deck; fence; garage,
25 private; gazebo; greenhouse; hot tub; pavilion; pergola;
26 portable on-demand storage device; structure; swimming pool,
27 club; swimming pool, permanent; swimming pool, private;
28 swimming pool, temporary; trellis; and wall.

29 And, of course, the Planning Commission had some
30 recommendations. They have three in here.

1 And I would open up Amendment Number 3 for public
2 comment. Is there anyone in the audience that would like to
3 express any opinions either for or against Amendment Number 3?
4 Please come up. Anybody?

5 MR. TAKACS: Which is what?

6 MR. SCHINDLER: Definitions.

7 MR. PETERSON: Definitions.

8 CHAIRMAN LINGENFELTER: Do you have the agenda?

9 MR. TAKACS: No, sir.

10 CHAIRMAN LINGENFELTER: Kathy, is there an agenda out
11 on the table?

12 MR. SCHINDLER: They're on the table.

13 MS. MITCHELL: (Handing.)

14 MR. TAKACS: Thank you.

15 CHAIRMAN LINGENFELTER: Anybody opposed? None
16 opposed. All right. We'll take it to discussion.

17 The Lake County Planning Commission has recommended,
18 under Item Number 1, to have a separate definition of accessory
19 use and accessory building. We have it combined as one.

20 Kathy?

21 MS. MITCHELL: I don't have any comment. I guess I
22 would defer to Mike on this, if it's necessary to separate
23 them.

24 MR. LUCAS: Accessory use and accessory building, I
25 don't think it is.

26 CHAIRMAN LINGENFELTER: Do you see any necessity to
27 do that, Michael?

28 MR. LUCAS: No, I don't. I mean, there is a
29 distinction between accessory use and accessory building.

30 CHAIRMAN LINGENFELTER: Right. So we will not

1 consider recommendation Number 1.

2 Number 2 would be to have a definition for a
3 temporary construction trailer.

4 Kathy?

5 MS. MITCHELL: That goes back to the construction
6 trailer reference, which is in the District R-1/R-4
7 regulations. The way it's written, it says, "Temporary
8 construction equipment and materials used in conjunction with
9 construction work, maintenance or repair on site." We don't
10 call out the term "trailer, construction trailer," but it's
11 assumed to be in that section.

12 CHAIRMAN LINGENFELTER: I think "equipment," pretty
13 much, is a catch-all phrase, right?

14 MS. MITCHELL: Yeah.

15 MR. PETERSON: Yeah, I think so.

16 CHAIRMAN LINGENFELTER: Mike, do you have any opinion
17 on that?

18 MR. LUCAS: Well, I think it may be helpful. I don't
19 think it's imperative but I think it would be helpful maybe to
20 have a temporary construction trailer definition within the
21 definition section so we're not getting into a discussion about
22 this is equipment versus trailer versus a semi trailer, which
23 we've had discussion on throughout the course of the evening.

24 CHAIRMAN LINGENFELTER: Right. So then would that —
25 Would we then need to go back to 1 and 2 and add trailer into
26 that temporary construction equipment or just put a definition
27 in there because we're going to add that definition?

28 MR. SCHINDLER: Then you have to make reference to
29 the other —

30 CHAIRMAN LINGENFELTER: If we're not using that term,

1 if we're going to have the definition, then we have to go back
2 in and add the term to the — You know what I'm saying?

3 MR. SCHINDLER: Yeah.

4 MR. LUCAS: Well, you've already closed those two
5 items. There is another public hearing with the Trustees but,
6 right now, you can't go back in and change that. You already
7 closed it out and made the recommendation. We don't have a
8 definition of temporary construction trailer right now anyway.

9 MS. MITCHELL: And there isn't a specific reference
10 to it.

11 MR. LUCAS: Right.

12 CHAIRMAN LINGENFELTER: Right. We don't really have
13 a specific reference to it, then we wouldn't need a definition
14 for it.

15 MR. WENTZ: I think we pass.

16 CHAIRMAN LINGENFELTER: Yeah. I think we're going to
17 punt on that one. All right. So we're not going to consider
18 recommendation Number 2 since we don't really have —

19 MR. LUCAS: Kathy, we might think about that later
20 though.

21 CHAIRMAN LINGENFELTER: Yeah. That might be
22 something you want to take up for the Trustees, for the next
23 go-round.

24 MR. LUCAS: Right, I think so.

25 CHAIRMAN LINGENFELTER: Number 3 would be, change the
26 name of Portable On-Demand Storage to a generic term like
27 temporary portable storage units. We already did that, so I
28 think that would be good, for consistency sake, to continue
29 that forward in Number 3.

30 Kathy, you know how we're going to word that then?

1 MS. MITCHELL: We're going to eliminate PODS and just
2 use —

3 CHAIRMAN LINGENFELTER: Right.

4 MS. MITCHELL: — well not temporary portable but
5 temporary outdoor storage units as we referred to.

6 CHAIRMAN LINGENFELTER: Yeah, as referred to in 1 and
7 2 so we've got consistency there. Okay. So we will make that
8 change on Number 3, not quite exactly what they say but close
9 enough.

10 Any discussion on Amendment Number 3, on the
11 definitions?

12 MR. WENTZ: Mr. Chairman, I move we accept Amendment
13 Number 3 with the changes we have just discussed.

14 CHAIRMAN LINGENFELTER: Okay. I have a motion made.

15 MR. McINTOSH: I second.

16 CHAIRMAN LINGENFELTER: Seconded. Kathy, would you
17 call the roll?

18 MS. MITCHELL: Mr. McIntosh?

19 MR. McINTOSH: Yes.

20 MS. MITCHELL: Mr. Schindler?

21 MR. SCHINDLER: Yes.

22 MS. MITCHELL: Mr. Wentz?

23 MR. WENTZ: Yes.

24 MS. MITCHELL: Mr. Peterson?

25 MR. PETERSON: Yes.

26 MS. MITCHELL: Mr. Lingenfelter?

27 CHAIRMAN LINGENFELTER: Yes.

28 Okay. We will move on to Amendment Number 4.

29 Amendment Number 4 is to update the Accessory Use Regulations
30 in Section 21.04 of the R-8 Rural Residential and Recreational

1 District to increase the minimum square footage allowed for
2 accessory buildings. Also, add a maximum height restriction
3 for accessory buildings in Section 21.15, and clarify how
4 building height is measured to be consistent with our current
5 definition.

6 Okay. The Lake County Planning Commission —

7 MR. McINTOSH: Nothing to say.

8 CHAIRMAN LINGENFELTER: They have nothing to say.

9 MR. SCHINDLER: Nothing to say.

10 CHAIRMAN LINGENFELTER: Wow.

11 MS. MITCHELL: They lumped it in with the first set
12 but there was really no direct reference.

13 MR. LUCAS: Yeah. I don't see a reference anywhere
14 to this amendment.

15 MR. LUCAS: Even though it's included within that
16 first amendment.

17 MS. MITCHELL: Yeah.

18 MR. LUCAS: I don't see anything anyway.

19 CHAIRMAN LINGENFELTER: Yeah. They have it
20 included. Yeah, you're right, Michael. They have it in —
21 They have it in the first but they don't reference anything in
22 those changes.

23 MR. SCHINDLER: No.

24 CHAIRMAN LINGENFELTER: So —

25 MR. TAKACS: I have a question.

26 CHAIRMAN LINGENFELTER: At this point in time, we
27 will open this up for public discussion. Is there anybody in
28 favor or opposed? You are in favor or opposed?

29 MR. TAKACS: My name is Edward Takacs,
30 9969 Route 84. If I understand this correctly, we're going to

1 lower the height minimum from 35 feet down to 20 feet, is that
2 correct, for accessory buildings in the township? I mean,
3 that's what it says. All right, guys?

4 MR. LUCAS: Yeah.

5 MR. TAKACS: I have a 35-foot building across the
6 street from my house. I have a building behind me that's 32
7 feet. Now, why should I be restricted to 20 feet when I have a
8 building in front of me and a building behind me that are well
9 over 30 feet limit? I vote no.

10 CHAIRMAN LINGENFELTER: Are those accessory
11 buildings?

12 MR. TAKACS: One is a commercial building, one is a
13 home.

14 CHAIRMAN LINGENFELTER: Okay. Well, those fall under
15 principal building or structure, which would be the 35 foot.
16 This has to do with accessory buildings, so it doesn't pertain.

17 MR. TAKACS: So, in other words, I can knock my house
18 down and build a 35-foot building on my property?

19 CHAIRMAN LINGENFELTER: If it's a principal building
20 structure.

21 MR. TAKACS: You guys want me to bulldoze my ranch
22 house and build a 35-foot building instead of building a
23 two-car garage in the back yard. Is that what you're telling
24 me?

25 CHAIRMAN LINGENFELTER: No. What I am saying is —

26 MR. TAKACS: You guys didn't even know what you were
27 looking at.

28 CHAIRMAN LINGENFELTER: Are you going to let me
29 finish talking or are you just going to do this all night?

30 MR. TAKACS: This is your job.

1 CHAIRMAN LINGENFELTER: Are you going to do this all
2 night long?

3 MR. TAKACS: Yes, sir, I am, if you don't know what
4 your job is.

5 MR. SCHINDLER: This is —

6 MR. TAKACS: Edward Takacs, 9969 Route 84.

7 CHAIRMAN LINGENFELTER: The principal building or
8 structure can maintain a height of 35 feet. Accessory
9 buildings shall not exceed a height of 20 feet. Personally, I
10 don't have a problem with that. Anybody on the Commission have
11 a problem with that?

12 MR. SCHINDLER: No, because I know the difference
13 between a principal building and an accessory building.

14 CHAIRMAN LINGENFELTER: Right.

15 MR. WENTZ: That would not apply to agricultural
16 buildings, for instance.

17 CHAIRMAN LINGENFELTER: Well, by definition, is an
18 agricultural building an accessory building?

19 MR. WENTZ: It is not a main building. Isn't that an
20 issue that we've run into? We can't regulate those.

21 MS. MITCHELL: Agricultural buildings are under a
22 different section.

23 CHAIRMAN LINGENFELTER: Right.

24 MS. MITCHELL: And in reference to Mr. Takacs'
25 comments, he is in the R-1 and that's under Amendment 1 and
26 that hearing was already closed. This is in reference to a
27 District R-8, which is a very specific zoning district over off
28 of Hermitage Road and is not applicable to his property.

29 The proposed height limitations are the same as they
30 are for R-1, maximum height of 20 feet for an accessory

1 building and principal building height does not change as
2 existing, which is 35 feet.

3 MR. WENTZ: Are there any parcels over there that
4 could have an agricultural building?

5 MS. MITCHELL: In the R-8?

6 MR. WENTZ: Yeah. I really can't picture it.

7 MS. MITCHELL: If they propose an agricultural
8 building, they could. And then would they apply to the — They
9 would then apply to — because that's a subdivision, they would
10 apply to the general requirement restrictions that we put in
11 Section VI as proposed.

12 MR. WENTZ: Okay.

13 MS. MITCHELL: So the ag buildings are not applicable
14 in this section right here.

15 CHAIRMAN LINGENFELTER: Okay.

16 MR. TAKACS: That is not true. There is a greenhouse
17 within 500 feet of my house, greenhouse property.

18 MS. MITCHELL: That's fine. It can exist.

19 CHAIRMAN LINGENFELTER: Okay. Any other comments in
20 favor or against? Any further discussion on the board? I'll
21 accept — I'll accept a motion on Amendment Number 4.

22 MR. McINTOSH: Mr. Chairman, I move that we proceed
23 with a vote on Amendment Number 4.

24 CHAIRMAN LINGENFELTER: As presented?

25 MR. McINTOSH: As presented.

26 MR. WENTZ: Second.

27 CHAIRMAN LINGENFELTER: Motion made and seconded.
28 Kathy, would you call the roll, please?

29 MS. MITCHELL: Mr. Wentz?

30 MR. WENTZ: Yes.

1 MS. MITCHELL: Mr. Peterson?

2 MR. PETERSON: Yes.

3 MS. MITCHELL: Mr. McIntosh?

4 MR. McINTOSH: Yes.

5 MS. MITCHELL: Mr. Schindler?

6 MR. SCHINDLER: Yes.

7 MS. MITCHELL: Mr. Lingenfelter?

8 CHAIRMAN LINGENFELTER: Yes.

9 Okay. Amendment Number 5, update Section 29.09,
10 Surfacing of Drives, Parking, Loading and Service Spaces, to
11 include a restriction on where vehicles are stored on
12 properties with single or two-family dwellings. Update
13 Section 29.13, Special Parking Provisions, to clarify the
14 restrictions on recreational vehicle storage on a property, the
15 use of construction trailers, the parking of commercial
16 vehicles, and display of vehicles/recreational equipment for
17 sale.

18 Lake County Planning Commission has six
19 recommendations. Number 1, to prohibit parking on the grass
20 inside of a right-of-way or temporary easement in
21 Section 29.09. I think, since we've addressed that in the
22 other sections, I think it would probably be a good idea to
23 include that in this section as well. Any comments?

24 MR. McINTOSH: I agree.

25 CHAIRMAN LINGENFELTER: Number 2 would be to allow
26 commercial vehicles with a gross weight up to 10,000 pounds
27 inside platted subdivisions in Section 29.13 C 2. So they're
28 basically asking us to strike the last part and just make it
29 10,000 pounds across the board.

30 MR. LUCAS: Yes, that's right. They don't want to

1 make a distinction between a platted subdivision and the
2 district.

3 CHAIRMAN LINGENFELTER: Right. Do you think that
4 makes good sense, Michael?

5 MR. LUCAS: Yeah. It seems to be an artificial
6 distinction, to some extent.

7 MR. SCHINDLER: So could the motion wait?

8 CHAIRMAN LINGENFELTER: So we'll just strike the —
9 or change the verbiage on after "5 tons," comma.

10 MS. MITCHELL: Strike everything after that.

11 MR. LUCAS: After "5 tons," it should be period.

12 CHAIRMAN LINGENFELTER: Period, and strike the rest.

13 MR. LUCAS: Right.

14 CHAIRMAN LINGENFELTER: Okay. I think that makes
15 good sense, so we will make that amendment.

16 Okay. Number 3, recommendation Number 3 is to allow
17 for a maximum of two commercial vehicles or two commercial
18 trailers or two commercial units, in Section 29.13 C 1. A
19 commercial unit would be defined as a commercial vehicle with
20 an accessory trailer.

21 Do we have that definition, Kathy, commercial?

22 MS. MITCHELL: Yes.

23 CHAIRMAN LINGENFELTER: Because they're talking
24 commercial vehicles, commercial trailers and commercial units,
25 so that fits in with our definitions?

26 MS. MITCHELL: Our commercial vehicle definition, as
27 proposed, was any motor vehicle designed or used to transport
28 persons, property, merchandise or freight primarily for profit
29 with a maximum weight of 10,000 pounds. They're suggesting we
30 increase the limitation from 1 to 2.

1 MR. LUCAS: They're talking about a number increase.

2 CHAIRMAN LINGENFELTER: Right.

3 MR. McINTOSH: Yeah.

4 MS. MITCHELL: When we've prohibited it altogether to
5 this point.

6 MR. LUCAS: Did Dave say anything? Did you talk to
7 Dave about that?

8 MS. MITCHELL: Yes.

9 MR. LUCAS: What was the reason behind that?

10 MS. MITCHELL: I'm not sure why they wanted such a
11 generous change. The only — Well, I take that back. The one
12 comment that they did make was the concern if there was a
13 household that had two people that both had commercial vehicles
14 for their occupation, and this way, they both could have a
15 commercial vehicle stored at the property.

16 MR. SCHINDLER: A residential property, two big
17 trucks in there?

18 MS. MITCHELL: You could go back —

19 MR. McINTOSH: That gets lots of e-mail and phone
20 calls.

21 MS. MITCHELL: Go back to the scenario of, if they
22 really want that, then ask for a variance from the Board of
23 Zoning Appeals.

24 CHAIRMAN LINGENFELTER: I was going to say, they
25 could, if they had a situation where they had two, then they
26 could always go to Board of Zoning Appeals because, to me, that
27 would just allow somebody to put two and without any excuse,
28 where if they only needed one and then they had a spouse that
29 had one, they could always go to the Board of Zoning Appeals,
30 right, to ask?

1 MR. LUCAS: You can always go to the Board of Zoning
2 Appeals.

3 MR. SCHINDLER: For anything.

4 CHAIRMAN LINGENFELTER: Right.

5 MS. MITCHELL: Looking in our research and looking at
6 the communities across the board, I didn't see any communities
7 that allow more than one.

8 CHAIRMAN LINGENFELTER: Right.

9 MS. MITCHELL: I mean, unless it was a extremely
10 rural community. But communities that were like Concord,
11 similar to Concord and within the region, one was the standard.

12 CHAIRMAN LINGENFELTER: Right.

13 MS. MITCHELL: It wasn't any number, it was limiting
14 it to one. That was pretty — That was pretty standard.

15 MR. McINTOSH: It seems to me the kind of thing we've
16 been getting more complaints about anyway, so why allow more
17 when we're already hearing guff about one or —

18 MR. SCHINDLER: Right.

19 MR. McINTOSH: Yeah, exactly. I like what you said,
20 Andy, about they can always come and get the variances. We're
21 not being unreasonable to say that they can't have it. We're
22 setting a baseline in the regulation and saying, here is what
23 the standard is.

24 CHAIRMAN LINGENFELTER: I mean, it's fair to say that
25 if you have a, you know, if you have a request and you can show
26 that it's due to a hardship of two people in the family
27 requiring two commercial vehicles, then the Board of Zoning
28 Appeals, I mean, that's what the Board of Zoning Appeals is
29 for.

30 MR. McINTOSH: Right.

1 CHAIRMAN LINGENFELTER: To be able to hear that and,
2 you know, be able to allow that. So I think we have, I think
3 we have a reasonable process for those people to be able to get
4 involved in. We're not — I would rather keep it at one.

5 MR. McINTOSH: I agree.

6 MR. PETERSON: I agree, also.

7 CHAIRMAN LINGENFELTER: Right. Anybody else?

8 MR. TAKACS: I have a question.

9 MR. SCHINDLER: If it were up to me, I wouldn't have
10 any.

11 CHAIRMAN LINGENFELTER: Yes?

12 MR. TAKACS: Does this matter how much property you
13 own? I mean, if you own 20 acres out in the farther parts of
14 Concord, or even 15 acres, are you allowed to have only one
15 construction trailer on your 20 acres? That's the question.

16 CHAIRMAN LINGENFELTER: Does that pertain to your lot
17 specifically?

18 MR. TAKACS: No, sir.

19 CHAIRMAN LINGENFELTER: All right. Thank you.
20 Appreciate your —

21 MR. TAKACS: I do not want to see jobs chased out of
22 Concord or northeast Ohio any more than anyone else. And the
23 way the economy is, all the construction guys are getting
24 chased out of here, and that's what you're doing. You're
25 saying we can only have one construction trailer on our
26 property if we have two or three crews? If we own five — No,
27 it's not me personally. But if someone has two or three crews
28 and they live on five or ten acres in southern Concord, you're
29 saying they can only have one trailer there for all their
30 gear. No, I don't believe that's fair.

1 CHAIRMAN LINGENFELTER: Okay.

2 MR. TAKACS: Something to consider. Thank you.

3 CHAIRMAN LINGENFELTER: Okay.

4 MR. SCHINDLER: Does somebody want to read that?

5 CHAIRMAN LINGENFELTER: Is this relating to this
6 particular issue?

7 MR. SCHINDLER: It has to do with parking vehicles
8 and stuff. They make a general statement.

9 CHAIRMAN LINGENFELTER: Would that — Does that fit
10 into this particular —

11 MR. McINTOSH: It's residential.

12 MR. SCHINDLER: It is to do with residential.

13 MR. McINTOSH: Residential, which is what we're
14 covering.

15 MR. SCHINDLER: What we're covering.

16 MR. McINTOSH: They're saying cars on an improved
17 surface, which we're also saying they can't park on the grass,
18 so —

19 MR. SCHINDLER: Right. So I think it fits in.

20 CHAIRMAN LINGENFELTER: Yeah. Okay. I just want to
21 make sure we're in the right —

22 MR. SCHINDLER: Yeah.

23 CHAIRMAN LINGENFELTER: Because there was one that's
24 commercial, there was one that's residential. We received an
25 e-mail, too — I would like to enter this into the record —
26 from a Patrick Jolly, I think it's pronounced, with regards to
27 the ordinance storing cars on nonimproved surfaces, and it was
28 sent to Bruce Bullard.

29 He says, "Good morning. It seems that my worst fear
30 is confirmed with the second house in our area having cars

1 parked on their lawns during the day and at night. This house
2 is the duplex on the corner of Far Hills Road and Cali Court.
3 It now seems since one is allowed to do it so, I guess, that
4 includes the I can too attitude.

5 It's amazing to me that the residents in our area
6 have no compassion for their neighbors, neighborhood or to
7 themselves. The sight of parked cars on lawns reminds me of a
8 blighted slum consisting of ignorant, noncaring people that
9 have never had a chance or mentality of ever having lived in a
10 nice area.

11 I would suggest an ordinance be passed as soon as
12 possible since I am a resident who does care and would like
13 this stopped before the area is condemned and gives the
14 appearance to would-be homeowners of the Beverly Hillbillies.
15 Have a nice New Year, Pat."

16 It goes on. There is a thread that goes on about him
17 expressing his distain for these vehicles being parked on —
18 not on the driveways and just on the lawns and whatnot.

19 I would like that to go in. There is a copy of that
20 for the record.

21 Any further discussions on Amendment Number 5?

22 MR. LUCAS: Did you address the service calls
23 under —

24 CHAIRMAN LINGENFELTER: No. I've got a couple more
25 items here yet. So we struck — We did not consider Item
26 Number 3. Then Item Number 4 was to allow service calls as an
27 option for commercial vehicles in Section 29.11 C 4, deliveries
28 and pickups.

29 MR. LUCAS: That makes sense.

30 CHAIRMAN LINGENFELTER: Yeah. Service calls, I

1 mean —

2 MR. LUCAS: If you have the Time Warner cable truck
3 stop and fix the cable —

4 CHAIRMAN LINGENFELTER: Yes. Service calls should be
5 included in that list.

6 MS. MITCHELL: It is just it's not 29.11, it is
7 29.13.

8 CHAIRMAN LINGENFELTER: Right.

9 MS. MITCHELL: C.

10 MR. LUCAS: 1 — Well, actually, it's C 4.

11 MR. WENTZ: C 4.

12 CHAIRMAN LINGENFELTER: Yes, C 4. It's 29.13 C 4,
13 not 29.11. Okay. So we will make that amendment. It's a good
14 addition.

15 Number 5 is to prohibit parking of vehicles for sale
16 in the right-of-way or temporary road easements. Not a bad
17 idea, keeping things out of right-of-way, make that amendment.

18 Kathy, do you understand that part?

19 MS. MITCHELL: Yes.

20 CHAIRMAN LINGENFELTER: Where we can add that.

21 And then Item Number 6 would be to exempt commercial
22 vehicles used for agriculture from the weight restrictions and
23 number of vehicle restrictions.

24 Kathy, any comment on that?

25 MS. MITCHELL: I agree with that change. We actually
26 looked at that quite a bit. If you have a scenario with
27 somebody that has an extended amount of acreage and they have
28 equipment for cultivating or tractors or whatever on their
29 property that they're using for personal use, they should be
30 allowed to have those on the property and not be burdened with

1 the — with this regulation, in my opinion. We have those
2 types of properties in the township. We don't want to apply
3 this commercial vehicle restriction to them for their
4 agricultural type vehicles that they're using on the property.

5 MR. McINTOSH: It seems to make sense. I mean, we
6 are a township, semi rural.

7 CHAIRMAN LINGENFELTER: You want to include that
8 then, Kathy, you know, where you can fit that in.

9 MS. MITCHELL: I can add an Item 5. And, Mike, does
10 that make sense to just say this shall not apply to
11 agricultural?

12 MR. LUCAS: Yeah. I think something like "the
13 foregoing restrictions shall not apply to commercial vehicles
14 used for agriculture."

15 CHAIRMAN LINGENFELTER: So we would add an Item
16 Number 5 under C and then exempt commercial vehicles used for
17 ag. Okay. That wraps it up for Amendment Number 5.

18 MR. PETERSON: Can I get a clarification, Andy?

19 CHAIRMAN LINGENFELTER: Sure.

20 MR. PETERSON: To Mr. Takacs' point, I would like to
21 clarify in my own mind. He brings up a valid point that if I
22 live in a residential neighborhood, like where I actually do
23 live, where we have half acre lots, certainly, one vehicle is
24 more than enough. But if I did live out on Girdled Road or
25 further out and I did have 20 acres, maybe I had horses and I
26 had four or five horse trailers, I mean, is that what we're
27 saying here is that he can only have one even in that
28 circumstance?

29 This is residential districts but that's defined by
30 different zoning areas. And a half acre residential district

1 is a lot different than when you get out where you have 10 or
2 20 acres. And if you do have that 10 or 20 acres, to restrict
3 you to having only one commercial vehicle may be too
4 restrictive. I think, when you live out further away, from
5 everybody, what would be the harm of having three horse
6 trailers, for example?

7 MS. MITCHELL: Well, I mean, the example of a horse
8 trailer, I would consider that an agricultural.

9 MR. LUCAS: It is agricultural.

10 MR. PETERSON: All right. You say trucks are
11 commercial vehicles. What if you did have two and you lived on
12 a 20-acre lot further out in an area zoned differently than a
13 residential, what we would call a typical residential
14 neighborhood? Should that be that restrictive for a lot of
15 that size? I'm just bringing up a point. Common sense would
16 say maybe not.

17 MS. MITCHELL: Currently, we restrict it everywhere.
18 The current regs is that you are not allowed to have them. So,
19 certainly, if you want to add a restriction based on the
20 acreage, you can, but the current regulation is you don't have
21 them at all.

22 MR. McINTOSH: How often do you have a problem with
23 that, nonagricultural commercial vehicle?

24 MS. MITCHELL: We have some properties that are
25 grandfathered in already.

26 CHAIRMAN LINGENFELTER: Right.

27 MS. MITCHELL: That the regulation doesn't apply to.

28 CHAIRMAN LINGENFELTER: Do we have that many parcels
29 that are that large though left in the township?

30 MS. MITCHELL: We do.

1 MR. PETERSON: Quite a bit. Geographically, it's a
2 pretty large township.

3 MR. SCHINDLER: Wouldn't we have to go back in
4 and put — back into the zoning and put a district like that in
5 there, right? We have to reestablish —

6 MR. McINTOSH: Would we have to do that or would we
7 just have to put an acreage limitation or parameters saying,
8 over certain acreage, we —

9 MR. SCHINDLER: Does not apply.

10 MR. McINTOSH: Right. Yeah. Maybe that would be the
11 way to do it.

12 MR. SCHINDLER: But then we will have to change it
13 for every one of our districts.

14 MS. MITCHELL: But you could just add to Item 1 that
15 that requirement is restricted to parcels 5 acres or less, or
16 whatever you want to make that, and then that's what it applies
17 to. The same — We did the same for the RVs. The RV
18 restriction is to parcels comprising less than 1 acre. So if
19 you're over an acre, you can have more than one RV, if
20 necessary or if you decide to. But that's how we did it in
21 29.13 A 1. You could do the same in C 1, if you wanted to,
22 based on a certain acreage.

23 MR. PETERSON: I think our intent is to not clutter
24 up an residential neighborhood of half acre lots or even 1 acre
25 lots with commercial vehicles. But when you get out like that,
26 I mean, what is our intent then? No one even sees them,
27 perhaps, because it's a big lot. I personally would like to
28 see a differentiation, if it's five acres or whatever it would
29 be, I think, in fairness to those people that have large lots
30 that may want to have another commercial vehicle.

1 MR. SCHINDLER: So now we're back to Item 3 and
2 incorporate that in and put limitations on acreage.

3 MR. PETERSON: That's correct.

4 MR. WENTZ: Where do we draw the line where it's
5 commercial?

6 MR. PETERSON: Yeah. It could be — Yeah, true.
7 What is the definition that we use for commercial? It could be
8 a business use, right, business use of a vehicle, a Snap-On
9 truck, for example.

10 MR. McINTOSH: That's why I was asking. How many
11 nongrandfathered circumstances do we get in, just to — Where
12 are the problems, so we can start to identify what might be a
13 logical point to define and/or set limits?

14 MS. MITCHELL: The other —

15 MR. McINTOSH: Are people coming — Are you
16 confronted with that as a problem, or no?

17 MS. MITCHELL: We're confronted with if they're being
18 stored on the property.

19 The other issue, too, is the concern that people have
20 — and directly related to residential districts. The concern
21 people raise is, when they see too many commercial vehicles,
22 you're changing the character of the residential district and
23 they're concerned that it's commercial use. And so when you
24 change and allow for more commercial vehicles, then you're
25 changing the character from a residential property, residential
26 district, to maybe a commercial use or commercial district, so
27 those are the calls that we receive.

28 MR. McINTOSH: The use of, now this isn't a house and
29 they're conducting a business here as opposed to storing the
30 vehicle.

1 MS. MITCHELL: Right. Those are the calls that we
2 receive.

3 CHAIRMAN LINGENFELTER: Yeah. Because now you're
4 starting to skirt the — where you're now in a business, B-2 or
5 B-1 —

6 MR. McINTOSH: Right.

7 MS. MITCHELL: Right.

8 CHAIRMAN LINGENFELTER: — you know, versus R-1 or R
9 whatever. You know, then it becomes — Then is your property
10 now, because you have the extra acreage, are you now using that
11 acreage as a business now instead of a residential, which is
12 what it's zoned? So does having a larger lot or a larger
13 number of acres entitle you to skirt the zoning designation of
14 your property and allow you to be able to run a commercial
15 business out of a residential zoning designation?

16 MR. PETERSON: But we don't prohibit running a
17 commercial business out of a residential, i.e., Snap-On or one
18 of those.

19 CHAIRMAN LINGENFELTER: But if you start allowing
20 more than one vehicle, then you run the risk of starting to,
21 kind of —

22 MR. PETERSON: I understand that. That's why I would
23 restrict it to large, large lots, but maybe two tow trucks, for
24 example, as opposed to one. I mean, I'm just thinking in
25 common sense here with a large lot.

26 MR. SCHINDLER: It makes a lot of sense if we are
27 talking agricultural, you know. A lot of large lots are not
28 agricultural.

29 MR. PETERSON: Right.

30 MR. SCHINDLER: Then if a guy comes in and we allow

1 it, then he might decide — who knows — like we say, start
2 storing commercial vehicles. He'll just starting bringing them
3 in and just start — These big trailers, for example, you can
4 get a lot of trailers on these lots. Now it's not — Now it's
5 not agriculture anymore, now it's becoming a nuisance. You
6 know what I mean? Driving these big semi trucks, for example,
7 up in a residential area and they're starting to line them up
8 on these. That's what you are opening the door for them to
9 do.

10 Now, we already have a provision where, if it becomes
11 an issue like this for the restriction, we always have the
12 Zoning Board of Appeals where people can come to it and lay out
13 their concerns or their hardships —

14 MR. PETERSON: More than one vehicle.

15 MR. SCHINDLER: — for more than one vehicle because
16 then, who are the ones that are affected? The immediate
17 surrounding property owners. They're the ones being notified
18 of this and they will be the ones that will say nay or yea to
19 allow it to either take place or not take place. So we still
20 allow them the avenue of doing that. But if we open it up to
21 that, like a blanket, open it up, now we open ourselves up to
22 issues like this coming up in the future.

23 And with more and more people, more and more trucks,
24 we're seeing it nowadays on the highways. There are more and
25 more commercial trucks. There are more and more independents
26 now that are out there. There are more and more of those guys
27 taking the vehicles home with them, trying to get in as much as
28 they can. It's becoming, in many areas, eyesores.

29 And if you've ever been in a neighborhood where these
30 guys come home late at night, depending on the truck,

1 especially, if the truck is a diesel and they allow that thing
2 to sit there and idle all night, oh, man, that's deafening.

3 MR. PETERSON: I know.

4 MR. SCHINDLER: And I see that in my own neighborhood
5 right now.

6 MR. PETERSON: And I have lived next to that
7 personally, but I would look at it and say the story is
8 different if I have 20 acres out on Girdled Road.

9 MR. SCHINDLER: You are absolutely right. But what I
10 am saying is, if you open it up like that, we're opening up a
11 can of worms to bring a lot of things into there. I would like
12 to be able to have the opportunity to settle it by the Zoning
13 Board of Appeals on a case-by-case basis.

14 CHAIRMAN LINGENFELTER: I think, to Frank's point
15 though, Rich, you know, if you want to be able to store — if
16 you want to be able to do that, then you buy a piece of
17 property in a properly zoned area to allow you to handle that.

18 MR. SCHINDLER: Sure.

19 CHAIRMAN LINGENFELTER: To me, when you start to blur
20 the lines of residential property, I don't think that the lot
21 size should have anything to do with it. I don't think the lot
22 size should entitle you to use your property outside of the
23 guidelines of the intended use, you know. I mean, I understand
24 what you are saying in terms of it not being as apparent but,
25 like I said, to me, then you start to — you start to blur the
26 lines between residential designation and then commercial and,
27 you know, business classification.

28 Just because you have 20 acres, if it's zoned R, you
29 know, if it's got a residential zoning, then there should be
30 restrictions with regards to residential zoning.

1 MR. PETERSON: I don't think somebody's intent would
2 be to move to Concord to do that but there might be people who
3 have been in Concord for generations and might do that because
4 that's their income. That's their livelihood. And it might be
5 only two or three cases but, to your point, they could appeal
6 that if it was a need situation because their livelihood
7 depended upon it. They can appeal that through the —

8 MR. SCHINDLER: Exactly. Sure.

9 MR. PETERSON: That is a valid point that you could
10 go that route.

11 MR. SCHINDLER: Correct.

12 MR. WENTZ: Probably, if they've been there and doing
13 that, they're doing something that is allowed for one reason or
14 another by other circumstances. Basically, lots are getting
15 smaller in Concord, not larger.

16 MR. PETERSON: I know, no doubt.

17 CHAIRMAN LINGENFELTER: Yes. Ma'am, would you like
18 to come up and ask a question? Why don't you come on up to the
19 microphone so people can hear you. Please state your name for
20 the record.

21 MS. JARRELL: I am Chris Jarrell. I live on Bradley
22 Court. I am on the BZA. And I am just soaking all of this in,
23 and I agree with you. I think, you know, government is best
24 which governs least. And I think, if it is a bigger lot, and
25 especially given the way the economy is now, if somebody wants
26 to be entrepreneurial and have a couple of trucks and they've
27 got a bigger lot, then they should be able to do that.

28 I understand your point as well. Come to the BZA,
29 ask for the variance on a case-by-case basis. But I just
30 believe that we're being too restrictive — that's my opinion

1 as a resident — and that we should be a little bit more
2 lenient. If you've got the property, then you should be able
3 to have more than one. It just makes sense. And I have seen
4 that on the BZA a multitude of times where they come in and
5 they're right on the cusp.

6 And I think the intent of the Resolution, as you were
7 referring to, is that we don't want to have somebody idling on
8 their property and the neighbor is listening to that. And we
9 don't want to see three or four trucks lined up and the
10 neighbor seeing that. But if you've got a bigger parcel, then
11 you should be able to reap the benefits of having that bigger
12 parcel.

13 So I just wanted to express my opinion. I agree with
14 you. I understand completely. But I just think that we are
15 really, really getting restrictive. And if we're in Concord,
16 which is supposed to be semi rural, and a lot of people are
17 attracted to our community because of that and they buy a
18 bigger parcel, that they should have some leeway.

19 And perhaps a suggestion would be, you know, if it's
20 5 acres or over, maybe, you know, two or three commercial
21 vehicles. I am just trying to make a compromise and not be too
22 restrictive and allowing the bigger property owners to reap
23 those benefits, especially in this economy. Thank you.

24 MR. PETERSON: She said it better than I did. I
25 mean, that's kind of how —

26 MR. WENTZ: Can I ask you a question? What's been
27 the experience of BZA in dealing with requests of that nature?

28 MS. JARRELL: Well, I am — I am a relatively new
29 member and I've only been a permanent member, Kathy, maybe a
30 year? So I haven't seen that specifically with the commercial

1 vehicles but, as I mentioned, it's just my personal opinion.
2 It's just too restrictive. We're a semi rural community and it
3 would just be nice to have a little bit more lenient parameter
4 there rather than having them, you know, coming.

5 And maybe they wouldn't be. Maybe this is all moot.
6 Maybe this is all moot. But I would rather just have this
7 community be a little bit more amenable to those that are drawn
8 here and have the bigger parcels and want to be entrepreneurial
9 if they want and do something and try to make money.

10 I mean, I know. My husband was out of work last
11 year, you know. If I had to do something, I would want to have
12 the opportunity to do it on my property.

13 MR. SCHINDLER: I know we consider ourselves a
14 township, of course, as semi rural, but people come out here
15 because they want to get away from the inner city and the
16 hubbub, and quietness. They come out here to get some property
17 and relax and be quiet. But if someone comes out here on the
18 pretence of buying a lot of property just so they can open up a
19 business, I can understand that. But, then again, now you're
20 putting a hardship on everyone else that lives around you.

21 MR. McINTOSH: I think, to Andy's point, again, you
22 look at somebody using land that's zoned in an appropriate
23 district. We wouldn't want to see somebody abuse residential
24 zoning when they could buy a chunk of land and, sort of, out
25 back there, rent U-Hauls or something because now we've said
26 they could have a bunch of commercial vehicles there.

27 MR. SCHINDLER: Exactly.

28 MR. McINTOSH: The question I have is, if we were to
29 say, fine, we would allow and we take an acreage limit and say
30 we'll allow it, do we put a cap and say, on the high, you have

1 more land but we're going to, sort of, limit that to prevent
2 abuse? Because it's sort of — I feel the same way I felt
3 about the 90 days on the PODS, is that you give a lot of
4 latitude. If we were to simply say over a certain acreage,
5 now, we're to allow more than one, what's that limit?

6 It seems to me, if you are going to go that far, you
7 would want to determine that as well because, otherwise, you
8 open it wide up for someone to buy a chunk of acres and then —

9 CHAIRMAN LINGENFELTER: Well, if somebody would
10 misinterpret —

11 MR. McINTOSH: It just sort of happened and, all of
12 the sudden, they got a slew of commercial vehicles tucked in
13 the back corner, you know, and you've got traffic and you've
14 got some of these other issues. And, again, you know, I
15 haven't been around that long either but enough that we've had
16 enough of these conversations and these work sessions and these
17 amendments that we have seen the complaints already. And the
18 trend seems to be that there is more smaller lots and, you
19 know, we have more site plans that we're looking at that are
20 smaller lots and more houses.

21 So we're in a tough spot to regulate the fact that
22 we're a township and there are people that have lived there and
23 have that expectation and also a lot of people coming here that
24 want more restrictions and don't want these dilutions. So
25 we're in a tough spot.

26 CHAIRMAN LINGENFELTER: Right. And I think to the
27 comment with regards to the, you know, the government is best
28 that governs least —

29 MS. JARRELL: Yes.

30 CHAIRMAN LINGENFELTER: — find a community that

1 doesn't have zoning regs.

2 MS. JARRELL: I am not going to that extreme.

3 CHAIRMAN LINGENFELTER: Right. I am just saying, you
4 know, when you choose a community, I think it's incumbent upon
5 the person that's moving to the community to understand the
6 zoning regulations that are in place. If they're looking to
7 move into a community that they don't want to have
8 restrictions, then they can choose a community that doesn't
9 have zoning regulations.

10 MR. TAKACS: Don't change them on us that have been
11 here for years.

12 CHAIRMAN LINGENFELTER: I think, when you start to
13 blur the lines between the use of residential property and
14 commercial property, you run into problems. And when you buy a
15 piece of property that's zoned residential, then you should be
16 bound by adhering to the residential code. And if you don't
17 want to do that, then you should choose another piece of
18 property or choose another location to move to. To move in and
19 then, all of the sudden, want to change your residential
20 property to a commercial property because you have a larger
21 number of acres, to me, like I said, you start to blur the
22 lines. I think we have recourse for those people that can
23 proof hardship through the Board of Zoning Appeals.

24 I don't like the idea of suddenly creating pockets of
25 large, you know, large parcel acreage that can suddenly now
26 serve the dual purpose, residential/commercial.

27 MR. PETERSON: You are doing that anyway by allowing
28 a commercial vehicle on a half-acre lot. You're allowing that
29 anyhow, or we are allowing that.

30 CHAIRMAN LINGENFELTER: But we're keeping it under a

1 reasonable level.

2 MR. PETERSON: Right. But two commercial vehicles on
3 20 acres is a lot less invasive than one commercial vehicle on
4 a half acre.

5 CHAIRMAN LINGENFELTER: Right.

6 MR. PETERSON: So —

7 CHAIRMAN LINGENFELTER: I am not going to argue that
8 point.

9 MR. PETERSON: But, I mean, I think if somebody owns
10 20 acres, within certain limits, they ought to be able to do
11 what they want with it as long as they're not intruding on the
12 neighbors. And, you know, having two or three commercial
13 vehicles in that situation wouldn't bother me if they're out of
14 sight. We're allowing one on a half acre lot. That's a
15 problem. I have lived next to that.

16 CHAIRMAN LINGENFELTER: Right.

17 MR. PETERSON: But to allow more than one on
18 something greater than 5 acres, 10 acres or some preset limit,
19 I don't think it's any different.

20 MR. WENTZ: What if the adjoining properties are all
21 1 acre lots?

22 MR. PETERSON: Yeah, but if you have 20 next to that
23 and you get in the middle of that and not be seen —

24 MR. WENTZ: There might be one of those properties
25 around.

26 MR. PETERSON: You know of one, huh?

27 MR. WENTZ: I can tell you how my neighbors would
28 feel about it.

29 MR. PETERSON: Well, I just feel that, personally, I
30 feel that there ought to be a differentiation.

1 CHAIRMAN LINGENFELTER: That's why we do what we do.

2 I think your points are well taken, Rich.

3 MR. WENTZ: That's tough.

4 CHAIRMAN LINGENFELTER: There is a part of me that
5 agrees with you but then there is a part of me that says that I
6 don't like the idea of blurring the usage between residential
7 and commercial property and I think that's what you open
8 yourself up to.

9 MR. PETERSON: Hopefully, it wouldn't happen because
10 20 acres of land in Concord is pretty valuable.

11 CHAIRMAN LINGENFELTER: Right.

12 MS. JARRELL: May I give an example. Is it okay?

13 CHAIRMAN LINGENFELTER: Sure.

14 MS. JARRELL: Do you want me to come up there?

15 CHAIRMAN LINGENFELTER: Sure. Just remember, the
16 people at home can't hear. The reason you have to come up is
17 so that the people at home —

18 MS. JARRELL: Here is an example, because I am
19 looking at the business usages that are permitted in
20 residential areas. I happen to be a realtor. If I was — and
21 I aspire to be a very, very successful realtor. And some of
22 the realtors in the area have moving trucks. I have my office
23 in my house. I have almost two acres. Am I only allowed to,
24 if I have a moving truck, I have one moving truck? Let's say I
25 had 20 acres. Can I have two moving trucks sitting on my
26 property?

27 I'm a business that can be in an R-1 or R-4. Can I
28 have two moving trucks if I have 20 acres? And I guess, to
29 your point, I would have to come into the BZA and get that
30 variance approved but, you know, I guess, we could sit here and

1 draw lines all day long. And if we just made a parameter, over
2 5 acres, for example, and if the neighbors have a problem,
3 they're going to express that, without a doubt. We all know
4 that. Just a thought.

5 CHAIRMAN LINGENFELTER: So what do you think? Do we
6 have a consensus on how we want to approach that?

7 MR. SCHINDLER: Mr. Chairman, I go along sticking
8 with the one vehicle.

9 CHAIRMAN LINGENFELTER: Larry, do you have any —

10 MR. WENTZ: I say, let exceptions be handled as
11 exceptions.

12 MR. SCHINDLER: Right.

13 CHAIRMAN LINGENFELTER: Morgan?

14 MR. McINTOSH: I can go along with that.

15 MR. PETERSON: I prefer to be an abstaining vote.

16 CHAIRMAN LINGENFELTER: I understand. You're in
17 favor of increasing based on lot size?

18 MR. PETERSON: Um-hum.

19 CHAIRMAN LINGENFELTER: You know, like I said, Rich,
20 you bring — I think this might be something we would want to
21 discuss, you know, at length at another time. Maybe we need to
22 come back and revisit this because I think you make — There is
23 a very compelling issue there. But at this point in time,
24 based on what we're doing, I think that I would like to see the
25 delineation stay as it is but, you know, with the caveat that
26 maybe we come back and look at this commercial —

27 Times are changing, there is no doubt about it. I
28 agree. People are using, you know, with entrepreneurial
29 changes and people running their own business from their homes,
30 that's becoming a bigger and bigger part of our economy. The

1 days of the big manufacturing companies with all the employees
2 working there and people commuting to their jobs is, you
3 know — The landscape is changing, so maybe we need to
4 readdress that.

5 I think, like I say, I think you bring up a good
6 point, Rich, and I think it is well taken. But, at this point,
7 I think the board is pretty resolute in keeping one vehicle
8 per —

9 MR. PETERSON: I will be out voted.

10 CHAIRMAN LINGENFELTER: Right.

11 MR. WENTZ: Well, it is really, you know, additional
12 consideration. It has such huge consequences.

13 CHAIRMAN LINGENFELTER: Right.

14 MR. WENTZ: I hesitate to tack it onto something.

15 CHAIRMAN LINGENFELTER: Right.

16 MR. WENTZ: We begin to sound like the people in
17 Washington, tacking the goodies along at the last minute.

18 MR. SCHINDLER: Yeah.

19 MR. WENTZ: This is a big deal.

20 MR. McINTOSH: I think, if we're going to look at
21 something like that, I think to discuss what might be an
22 appropriate cut-off and what might be a cap, I agree. I am
23 getting the feeling that, right now, we could going all night
24 talking about this. I think we need to frame it a little
25 more. I think we need to frame that discussion more before we
26 were to consider, sort of, that kind of change. Right now, we
27 presently have the one and that's what you said and I'm
28 comfortable going forward with it, but I like the idea coming
29 back with a discussion as a separate issue.

30 MR. WENTZ: We have to look at a lot of issues like

1 that. How many parcels, potentially, are there in Concord, for
2 instance?

3 CHAIRMAN LINGENFELTER: Right. Okay. I would
4 entertain a motion to accept Amendment Number 5 as amended.

5 MR. McINTOSH: Mr. Chairman, I move that we accept
6 Amendment Number 5 as amended.

7 MR. WENTZ: Second.

8 CHAIRMAN LINGENFELTER: Motion made and seconded.
9 Kathy, would you call the roll, please?

10 MS. MITCHELL: Mr. McIntosh?

11 MR. McINTOSH: Yes.

12 MS. MITCHELL: Mr. Peterson?

13 MR. PETERSON: No.

14 MS. MITCHELL: Mr. Wentz?

15 MR. WENTZ: Did you say — Which one of us?

16 MS. MITCHELL: Mr. Wentz?

17 MR. WENTZ: Yes.

18 MS. MITCHELL: Sorry. Mr. Schindler?

19 MR. SCHINDLER: Yes.

20 MS. MITCHELL: Mr. Lingenfelter?

21 CHAIRMAN LINGENFELTER: Yes.

22 Okay. Amendment Number 6. Amendment Number 6 is to
23 revise Section XXXI, Swimming Pools, to distinguish between the
24 requirements for temporary pools versus permanent pools and the
25 types of pools permitted for multi-family projects. Add
26 regulations for hot tubs, and include a provision on the
27 maintenance responsibility for all pool types by the property
28 owner.

29 The Lake County Planning Commission has made three
30 recommendations. They recommended not accepting

1 Section 31.02 A, temporary pool, above ground. They feel this
2 would be too difficult to enforce.

3 You know, from an enforcement standpoint, Kathy, I
4 would think that you, kind of, took enforcement into account
5 when you wrote this. And if you felt there would be an
6 enforcement issue, I think that you probably would have opted
7 out of this instead of putting it in, so are you comfortable
8 with the enforcement issue?

9 MS. MITCHELL: No. I think the dates that we have
10 established are reasonable and they're pretty cut and dry and I
11 think that it is enforceable. I don't have a problem with the
12 way it's written.

13 CHAIRMAN LINGENFELTER: Right. Well, I would think,
14 like I said, I think enforceability falls on — you're the one
15 that put this together. I would have thought, if you felt
16 there was an enforcement issue, that we would probably not
17 touch this. So I think if you and Bruce are comfortable with
18 the enforcement aspect, then I'm not concerned about it.

19 MS. MITCHELL: We talked about it at length in-house
20 and all of the scenarios that we've been faced with in dealing
21 with this. I think this is a reasonable approach. And I think
22 if we give people the parameters and give them warnings of the
23 parameters, I think that that's completely enforceable.

24 CHAIRMAN LINGENFELTER: I think that would fall to
25 Item Number 3, also, because they're talking about enforcement.

26 MS. MITCHELL: With hot tubs, yeah.

27 CHAIRMAN LINGENFELTER: Right. So then Number 2
28 would be to revise Section 31.02 B 1 to read: A fence
29 enclosure is not required for above ground pools if the pool
30 has nonclimbable vertical sides not less than 4 in height,

1 measured from the grade at the base of the wall, and the pool's
2 access is controlled through a removable ladder or steps or
3 deck with a 3 foot high fence around it and locking 3 foot high
4 gate, or any controlled access system approved by the zoning
5 inspector.

6 How does that strike you, Kathy?

7 MS. MITCHELL: This is the example that the Planning
8 Commission looked at. Again, there is many ways you can write
9 this, you know, in terms of the controlled access point.

10 Mike, I don't know if you have any comments on the
11 additional verbiage other than what we proposed.

12 MR. LUCAS: No. I don't think it adds a lot.

13 MS. MITCHELL: It's almost too specific.

14 MR. LUCAS: Yeah. I like the original text better.

15 CHAIRMAN LINGENFELTER: You like the original text
16 better? I do, too. I am more comfortable with that, so we
17 will strike that recommendation. Anybody have any
18 consideration on that? Anybody in the audience —

19 MR. TAKACS: Are we on Number 6 or Number 7?

20 CHAIRMAN LINGENFELTER: We are on Number 6.

21 MR. TAKACS: Thank you.

22 CHAIRMAN LINGENFELTER: Anybody in favor or opposed,
23 in the audience, on Amendment Number 6? None.

24 Okay. Any further discussion on the Commission?
25 No. I will take a motion then.

26 MR. McINTOSH: Mr. Chairman, I move that we accept
27 Amendment 6 as presented.

28 CHAIRMAN LINGENFELTER: Motion made.

29 MR. WENTZ: Second.

30 CHAIRMAN LINGENFELTER: Seconded. Kathy?

1 MS. MITCHELL: Mr. Schindler?

2 MR. SCHINDLER: Yes.

3 MS. MITCHELL: Mr. Wentz?

4 MR. WENTZ: Yes.

5 MS. MITCHELL: Mr. Peterson?

6 MR. PETERSON: Yes.

7 MS. MITCHELL: Mr. McIntosh?

8 MR. McINTOSH: Yes.

9 MS. MITCHELL: Mr. Lingenfelter?

10 CHAIRMAN LINGENFELTER: Yes.

11 Amendment Number 7, which is to update the fence
12 requirements in Section XXXIV, Fences, to increase the acreage
13 requirements of lots being subject to fence regulations.
14 Clarifying the installation requirements for fences and the
15 types of swimming pools that require a fence enclosure. Add a
16 provision that exempts decorative fencing from the permit
17 requirement. And clarify the permit application requirements
18 and maintenance requirements for fences.

19 The Planning Commission made one change
20 recommendation, that was to remove all references to fences
21 around hot tubs based on their recommendation of not accepting
22 Section 31.04, Hot Tubs, which we have already stricken, so we
23 don't really have to worry about that.

24 So does anyone in the audience have any position in
25 favor or against?

26 MR. TAKACS: Ed Takacs again. Mr. Lingenfelter, it
27 says that you're going to clarify the installation
28 requirements.

29 CHAIRMAN LINGENFELTER: Not me, the zoning inspector
30 will.

1 MR. TAKACS: What is the current zoning requirement
2 for lot size for a fence around a pool at this point? I mean,
3 that's exactly what it says, right, distinguish between the
4 requirements of lots being subject to the fence regulations? I
5 mean, how big does the lot have to be? Because there are 5
6 acre lots out in the farther parts of the township that have a
7 pool in the middle of the back yard. Do those people have to
8 put a fence around their pool in the back yard?

9 CHAIRMAN LINGENFELTER: Did you read the regulation?

10 MR. TAKACS: Yes, I did.

11 CHAIRMAN LINGENFELTER: What does it say?

12 MR. TAKACS: It says there is no requirement. There
13 is no minimum lot size, and that's what my question is to you.
14 What about someone that has a pond in their back yard, do they
15 have to fence that in? What about the people that live along
16 the river, do they have to fence that, or Kellogg Creek?

17 MR. SCHINDLER: It's natural.

18 MR. TAKACS: Oh, in other words, if I put a pool in
19 my back yard, I have to fence it in, but if there is a giant
20 raging river, that's okay?

21 MR. SCHINDLER: Sure.

22 MR. TAKACS: I just want to clarify that, sir.

23 CHAIRMAN LINGENFELTER: Okay.

24 MR. TAKACS: So what is the minimum lot requirement
25 for people in Concord Township to have a fenced in pool in
26 their yard? Because I know people that live on Prouty Road
27 that have two acres that don't have any fence around their pool
28 and, you know, I mean, it would take a kid 500 yards to get to
29 that pool. Nobody ever drowns in it.

30 I am just wondering what the minimum lot requirement

1 is for someone to have their yard fenced in.

2 MS. MITCHELL: There is no minimum requirement when
3 it pertains to a pool. The acreage requirements for fences
4 exclude the swimming pools. Anybody that has a swimming pool
5 has to adhere to the fence requirement, if applicable. So if
6 they have —

7 MR. TAKACS: If applicable.

8 MS. MITCHELL: If they have an in-ground pool,
9 regardless of lot size, they have to get a fence.

10 MR. TAKACS: Did we just not go through on the last
11 one about the type of pool that is required to have a fence
12 around it?

13 MS. MITCHELL: No.

14 MR. TAKACS: So, in other words, any above ground
15 pool doesn't have a fence — have to have a fence around it in
16 Concord. Is that true?

17 MS. MITCHELL: No, if it meets the height
18 requirement.

19 CHAIRMAN LINGENFELTER: If it meets the height
20 requirement, no.

21 MR. TAKACS: And it doesn't matter if it's in the
22 middle of 10 acres or if it's in the middle of half an acre?

23 CHAIRMAN LINGENFELTER: Right.

24 MR. TAKACS: It has to have a fence?

25 CHAIRMAN LINGENFELTER: If it doesn't fall within the
26 requirement for the height, the pool side height.

27 MR. TAKACS: Thank you very much. That was my
28 question.

29 CHAIRMAN LINGENFELTER: All right.

30 MR. TAKACS: So all the people that live out in the

1 country that have a pool in the middle of their back yard, they
2 to have fence their little pool in the middle —

3 CHAIRMAN LINGENFELTER: No, not if the height of the
4 sides is over 4 feet from the ground.

5 MR. TAKACS: Exactly.

6 CHAIRMAN LINGENFELTER: So they won't have to worry
7 about a fence, just like in a half — people that have half-
8 acre lots.

9 MR. TAKACS: But if it's a little, a little blow-up
10 pool, they have to have them, correct?

11 CHAIRMAN LINGENFELTER: No, no, not at all. We
12 addressed temporary pools.

13 MR. SCHINDLER: That's temporary.

14 MR. TAKACS: Well, then which is it? It's a 4 foot
15 height, it's a blow-up one, which is it?

16 MR. McINTOSH: They're two different kinds of pools.

17 CHAIRMAN LINGENFELTER: They're two different kinds
18 of pools.

19 MR. TAKACS: So, in other words, there is no real —
20 you guys have not —

21 MR. McINTOSH: We regulate in ground pools and
22 regulate above ground pools and we regulate temporary pools all
23 differently.

24 MR. TAKACS: So what is the height? My question
25 then, maybe it got lost in the shuffle there. What is the
26 height requirement of an above ground pool that has to have a
27 fence around it —

28 CHAIRMAN LINGENFELTER: Did you read the
29 regulations?

30 MR. TAKACS: — in Concord Township?

1 CHAIRMAN LINGENFELTER: You need read the regulation
2 because that's addressed.

3 MR. TAKACS: I'm asking you. You're the Zoning
4 Department. What is the height requirement that has to have —
5 Is it 3 foot? Is it 4 foot — that has to have a fence around
6 it, my question to you right now?

7 MR. SCHINDLER: Answer.

8 MS. MITCHELL: If it's 4 feet high — If it's a
9 temporary pool, it does not require a fence. And a temporary
10 pool is defined as that which is only installed between the
11 dates of May 1st through September 30th. If it's up year round
12 and it's an in ground pool, it is required to have a fence. If
13 it's an above ground pool and it's a permanent pool and the
14 wall height is 4 feet or more, it does not have to have a fence
15 around it. That's the regulation.

16 MR. TAKACS: Thank you.

17 MS. MITCHELL: You're welcome.

18 MR. TAKACS: So if someone leaves a pool up all year
19 round and the kid drowns in it, they can go take it down and
20 say it was only temporary and they're out of a lawsuit.

21 MS. MITCHELL: No.

22 MR. TAKACS: Yes or no, sir?

23 MR. LUCAS: No.

24 MR. WENTZ: How is that?

25 MR. TAKACS: Yes. The way you defined it, yes.

26 MS. MITCHELL: No.

27 CHAIRMAN LINGENFELTER: No.

28 MR. TAKACS: You said 4 foot high, temporary.

29 MS. MITCHELL: You said year round and we didn't say
30 year round.

1 CHAIRMAN LINGENFELTER: You said year round.
2 MR. McINTOSH: Temporary is not year round.
3 MR. TAKACS: There are people that leave them up year
4 round.
5 MS. MITCHELL: Then they would be —
6 CHAIRMAN LINGENFELTER: Then it would fall under the
7 permanent requirement.
8 MR. TAKACS: You understand my point?
9 CHAIRMAN LINGENFELTER: No, I don't. I don't
10 understand it at all.
11 Okay. Moving on.
12 MR. TAKACS: Ever watch a kid drown in a pool?
13 MR. PETERSON: Hot tubs.
14 MR. McINTOSH: Number 7.
15 CHAIRMAN LINGENFELTER: Yes. And we have a motion
16 made and — Right, we have a motion?
17 MR. WENTZ: No.
18 MR. SCHINDLER: Not yet.
19 MR. PETERSON: Not yet.
20 CHAIRMAN LINGENFELTER: We had no — Did we have any,
21 any other comments on 7?
22 MR. McINTOSH: I think that's where we were.
23 MR. SCHINDLER: We said 7, among the commissioners,
24 weren't applicable because we voted it down.
25 MR. McINTOSH: Right.
26 MR. SCHINDLER: So, right now, we should have a vote
27 on the amendment as presented.
28 CHAIRMAN LINGENFELTER: Right. What's what I said.
29 Is there any other discussion on 7?
30 MR. SCHINDLER: No, not from me, Mr. Chairman.

1 CHAIRMAN LINGENFELTER: Okay.

2 MR. McINTOSH: Mr. Chairman, I move that we take a
3 vote on Amendment 7 as presented.

4 MR. WENTZ: Seconded.

5 CHAIRMAN LINGENFELTER: Motion made and seconded.
6 Kathy, roll, please.

7 MS. MITCHELL: Mr. Wentz?

8 MR. WENTZ: Yes.

9 MS. MITCHELL: Mr. McIntosh?

10 MR. McINTOSH: Yes.

11 MS. MITCHELL: Mr. Schindler?

12 MR. SCHINDLER: Yes.

13 MS. MITCHELL: Mr. Peterson?

14 MR. PETERSON: Yes.

15 MS. MITCHELL: Mr. Lingenfelter?

16 CHAIRMAN LINGENFELTER: Yes. Okay.

17 Amendment Number 8 is to add regulations for
18 agricultural uses, buildings or structures in Section 6.13 of
19 the General Requirements Section, when located in any platted
20 subdivision or in any area consisting of 15 or more lots
21 approved under Section 711.131 of the Revised Code that are
22 contiguous to one another and adjacent to one side of a
23 dedicated public road, and the balance of which are contiguous
24 to one another and adjacent to the opposite side of the same
25 dedicated public road.

26 MR. LUCAS: Just as an initial comment, the comment
27 by the Lake County Planning Commission, I agree with. I think
28 there is a conflict there in terms of the language "provided no
29 product shall be sold except which is produced on the
30 premises." That should be deleted to make it consistent with

1 the statute and also that provision 6.13 F.

2 CHAIRMAN LINGENFELTER: So are you okay with that?

3 MR. LUCAS: Yes. I think that's a good idea because
4 I agree with it. I think there is a conflict.

5 CHAIRMAN LINGENFELTER: So you think there is a
6 conflict with what we have and what the Lake County Planning
7 Commission is citing in terms of the ORC?

8 MR. LUCAS: No. I'm saying that they're suggesting
9 that there is a conflict and I agree with that. And,
10 therefore, the language that reads, under 6.13 A, specifically,
11 "provided no product shall be sold except those which are
12 produced on the premises," that latter phrase in that first
13 sentence should be deleted.

14 CHAIRMAN LINGENFELTER: Okay.

15 MR. LUCAS: That's my opinion. I mean, I am not
16 telling you what to do, obviously, but I think it's a good
17 idea, for whatever it's worth.

18 CHAIRMAN LINGENFELTER: That's why you're here,
19 Michael, to give us guidance, to give us counsel.

20 Any comments from the Commission on that?

21 MR. PETERSON: I agree with Mike.

22 CHAIRMAN LINGENFELTER: Right.

23 MR. SCHINDLER: Agree with Mike.

24 CHAIRMAN LINGENFELTER: Okay, Mike. You win this
25 one.

26 MR. WENTZ: Legal counsel.

27 MR. LUCAS: Well, I think Kathy agrees, too.

28 CHAIRMAN LINGENFELTER: Right. So we'll make that
29 amendment then.

30 MR. SCHINDLER: Make that change, right.

1 CHAIRMAN LINGENFELTER: Make that change.

2 And then, Number 2, they say to create a new section
3 for buildings used as housing for animals and move C 1, 2 and 3
4 to that section.

5 MR. LUCAS: Well, I think, I mean, those three
6 provisions are all under the primary Section C and it has dairy
7 and animal and poultry husbandry. So, apparently, they feel
8 that it's confusing when there is references to animal when we
9 have dairy and poultry husbandry included within that
10 provision.

11 Is that the basis for that, Kathy?

12 MS. MITCHELL: I didn't get a chance to get
13 clarification on that item. I was confused on what the comment
14 was in reference to.

15 MR. LUCAS: That's the only thing I can assume.
16 They're not saying it is not enforceable or difficult to
17 enforce. They are not saying they disagree with it. They just
18 think it should be marshaled into a different section, an
19 independently newly created section.

20 MS. MITCHELL: I guess, I can see the point in
21 Items 1 and 2 — 1, 2 and 3, keeping them independent.
22 Obviously, this is directly from ORC and I struggled in the
23 language with Item C. I think it's — There is not much you
24 can do there because, once you reach that 35 percent, then
25 you're considered exempt. So should that be its own item? It
26 could be.

27 MR. LUCAS: I mean, it could be. But on the other
28 hand, you could have animals involved in dairy and, obviously,
29 you can have animals involved in poultry husbandry.

30 CHAIRMAN LINGENFELTER: I was going to say, do you

1 want — Does the term "husbandry" create the problem?

2 MR. LUCAS: No. I don't know what creates the
3 problem for them other than they seem to be thinking that
4 animal raising, livestock, et cetera, which would be an
5 agricultural use, would be something that, perhaps, would be
6 better suited in a separate section, is how I'm reading what
7 they're recommending by their single sentence.

8 CHAIRMAN LINGENFELTER: I don't get their point, to
9 create another section and then move all that information. To
10 me, we're — I don't know. I don't get it.

11 Kathy, do you?

12 MR. LUCAS: Well, I think — I am kind of
13 interrupting Kathy here.

14 MS. MITCHELL: No. Go ahead.

15 MR. LUCAS: I think they're looking at all of 1, 2
16 and 3 really dealing with the sheltering of animals outdoors,
17 not really talking about dairying or poultry husbandry. And
18 the accessory building for the shelter of animals outdoors
19 seems to be —

20 MS. MITCHELL: Yeah.

21 MR. LUCAS: — the unifying theme that's exclusive of
22 any dairy or poultry husbandry, per se, in that. So maybe it
23 does make sense, I guess, talking it through.

24 You know, Kathy, because 1, 2 and 3, those
25 subparagraphs in Section C are all limited to animals being
26 kept outdoors.

27 MS. MITCHELL: So if you're doing animal poultry
28 husbandry, basically, 1 is saying you have to have them in a
29 building. You have to provide shelter.

30 CHAIRMAN LINGENFELTER: I don't see it. I think

1 it's —

2 MR. LUCAS: Why don't we say, for 1, whenever one or
3 more animals are kept outdoors, why don't we say "for such
4 agricultural uses." Let me just — So it would read, "Whenever
5 one or more animals are kept outdoors for such agricultural
6 uses on a lot, an accessory building for their shelter shall be
7 constructed on the lot." All right? So that expands it to tie
8 it in with the overall Section C language.

9 And then similarly for 2 then, the area of the
10 accessory building intended to provide shelter for one or more
11 animals, again, add "for such agricultural uses" — slurred my
12 words there — "one or more animals for such agricultural uses
13 shall not exceed the maximum area permitted for accessory
14 buildings in the district." Again, that will expand it to the
15 uses of dairying and poultry husbandry, which I think is the
16 intent anyway. Isn't it, Kathy?

17 MS. MITCHELL: Yes.

18 MR. LUCAS: Let me look at 3 real quick. Then 3 is
19 fine.

20 MS. MITCHELL: Yeah.

21 MR. LUCAS: Just a suggestion.

22 MR. SCHINDLER: It seems like you understand better
23 than the rest of us.

24 MR. LUCAS: Well, I don't know about that. I mean,
25 it's hard to define what the basis was from that from just the
26 one sentence but I think that's what they're saying.

27 MS. MITCHELL: Yeah.

28 MR. LUCAS: That's probably more coherent to add
29 those phrases to C 1 and C 2, I think, myself.

30 CHAIRMAN LINGENFELTER: So do you have that, Kathy?

1 MS. MITCHELL: I do.

2 CHAIRMAN LINGENFELTER: Okay. We'll follow your lead
3 on that, Michael, and your recommendation.

4 MR. LUCAS: All right. You're a good man.

5 CHAIRMAN LINGENFELTER: All right. That covers
6 Amendment 8. Any comments from the audience for or against?

7 MR. WENTZ: Mr. Chairman, I move we accept
8 Amendment 8 with the changes we have just discussed.

9 CHAIRMAN LINGENFELTER: A motion has been made.

10 MR. PETERSON: I second it.

11 CHAIRMAN LINGENFELTER: Seconded. Kathy, roll.

12 MS. MITCHELL: Mr. Schindler?

13 MR. SCHINDLER: Yes.

14 MS. MITCHELL: Mr. Peterson?

15 MR. PETERSON: Yes.

16 MS. MITCHELL: Mr. Wentz?

17 MR. WENTZ: Yes.

18 MS. MITCHELL: Mr. McIntosh?

19 MR. McINTOSH: Yes.

20 MS. MITCHELL: Mr. Lingenfelter?

21 CHAIRMAN LINGENFELTER: Yes.

22 Okay. Amendment Number 9, to revise Section 11.03 of
23 the Zoning Permit Section to require zoning permits for
24 agricultural buildings, when regulated under the General
25 Requirements Section, Section 6.13. A fee shall also be
26 required, as applicable.

27 There were no recommendations from the Lake County
28 Planning Commission on Number 9.

29 MR. WENTZ: Mr. Chairman, I move we accept Number 9
30 as proposed.

1 CHAIRMAN LINGENFELTER: We'll let the public see if
2 they want to make any comments, first.

3 MR. WENTZ: Okay.

4 CHAIRMAN LINGENFELTER: So hang onto that for just a
5 second. Anyone in the audience that would like to discuss this
6 amendment for or against? None. Any further discussion on the
7 Commission? None.

8 Now, Larry.

9 MR. WENTZ: Now I move we accept the proposed
10 Amendment Number 9 as written.

11 MR. SCHINDLER: I second, Mr. Chairman.

12 CHAIRMAN LINGENFELTER: Motion made and seconded.
13 Kathy, roll.

14 MS. MITCHELL: Mr. McIntosh?

15 MR. McINTOSH: Yes.

16 MS. MITCHELL: Mr. Schindler?

17 MR. SCHINDLER: Yes.

18 MS. MITCHELL: Mr. Peterson?

19 MR. PETERSON: Yes.

20 MS. MITCHELL: Mr. Wentz?

21 MR. WENTZ: Yes.

22 MS. MITCHELL: Mr. Lingenfelter?

23 CHAIRMAN LINGENFELTER: Yes.

24 Okay. So we have all of the amendments have been
25 approved as amended in the cases, as required.

26 Kathy, you will have all the amendments taken care of
27 for the next phase?

28 MS. MITCHELL: Yes.

29 CHAIRMAN LINGENFELTER: All right. That will
30 conclude the public hearing on the Accessory Use and related

1 zoning regulations.

2 Kathy, we appreciate all your hard work in putting
3 all that text together and everything.

4 MS. MITCHELL: Happy to do it.

5 CHAIRMAN LINGENFELTER: The last item on the agenda
6 is approval of the minutes of the December 7th, 2010, meeting.

7 MR. WENTZ: Mr. Chairman, I move we accept the
8 minutes from the December meeting.

9 MR. PETERSON: Second that.

10 CHAIRMAN LINGENFELTER: All those in favor, say aye.

11 (Five aye votes.)

12 CHAIRMAN LINGENFELTER: Opposed?

13 (No nay votes.)

14 CHAIRMAN LINGENFELTER: None opposed. Motion
15 carries.

16 Our next meeting will be February 1st and that will
17 be the — We will have the continuation of the site plan review
18 for Mr. Sommers. It looks like they've got a temporary
19 solution to their battle with the Fire Department to get it the
20 way they want it. We will keep our fingers crossed, right?

21 Any other items that we need to add to the agenda?

22 No. All right. We're good. Meeting is adjourned.

23 (The meeting was adjourned 9:45 p.m.)

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1 STATE OF OHIO)
2) CERTIFICATE
3 COUNTY OF CUYAHOGA)
4

5 I, Melinda A. Melton, Registered Professional
6 Reporter, a notary public within and for the State of Ohio,
7 duly commissioned and qualified, do hereby certify that, to
8 the best of my ability, the foregoing proceeding was reduced
9 by me to stenotype shorthand, subsequently transcribed into
10 typewritten manuscript; and that the foregoing is a true and
11 accurate transcript of said proceedings so taken as
12 aforesaid.
13

14 I do further certify that this proceeding took
15 place at the time and place as specified in the foregoing
16 caption and was completed without adjournment.
17

18 I do further certify that I am not a friend,
19 relative, or counsel for any party or otherwise interested
20 in the outcome of these proceedings.
21

22 IN WITNESS WHEREOF, I have hereunto set my hand and
23 affixed my seal of office this 24th day of January 2011.
24
25
26
27

28 _____
29 Melinda A. Melton
30 Registered Professional Reporter

31 Notary Public within and for the
32 State of Ohio
33

34 My Commission Expires:
35 February 4, 2013
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