

Brown Township Zoning Commission

Brown Township Hall

5555 State Route 521

Delaware, Ohio 43015

DRAFT Meeting Minutes October 3, 2024

Attendees

Ian Capwell, BTZC Member

Aaron Heydinger, BTZC Member

Jeremy Williams, BTZC Member

Stan Bean, Alternate

Marc Gaskell, Alternate

Steve Serio, Zoning Inspector

Vickie Sheets, Zoning Secretary

Charlie Miley, Brown Township Trustee

Jodi Schermerhorn, 5499 State Rt. 521, Delaware

Nate Samblanet, 8299 Linton Blvd., Columbus 43235

Shane Kehler, 5499 State Rt. 521, Delaware

Call to Order

In the absence of the Chair and Vice-chair, the meeting was called to order by BT member Ian Capwell at 7:00 pm.

Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

Changes to Agenda

Mr. Capwell the attendees about their interest in the meeting. Ms. Shermerhorn said that a tree branch had fallen on their shed and they were interested in how best to replace it. Mr. Serio indicated he had suggested they start with their insurance but they did not wish to submit a claim. He laid out options, to restore by fixing it; by rebuilding using the same footprint to replace the shed; or to move the location and rebuild. The project would require a permit and if moved or enlarged, would need to meet the current zoning requirements and they would need to apply for a variance (due to the lot size). Mr. Miley suggested that one wall be retained and incorporated in the new shed. She thanked for the information and was considering using the current footprint for a replaced shed.

Mr. Samblanet is looking for a house in Brown Township and is interested in adding an outdoor fire burning furnace. This would be considered an auxiliary

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structure requiring a permit application, including a diagram. Mr. Heydinger said that a mortgage survey would provide the information needed for a permit application. Mr. Serio advised not to file for a permit until the house is in his name.

Approval of Minutes

Approval of the August minutes was deferred as additional attending members were needed for the vote. The September minutes were deferred to allow the addition of information.

Regional Planning Meeting Attendance

Mr. Serio attended Regional Planning in September and plans to attend in October.

Zoning Inspector Report

Mr. Serio issued six permits in September for a total of \$960. The BZA approved two variance applications. A nuisance complaint on a Pittman Road property was referred to the Health Department which sent a letter to the property owner. The process for such complaints was briefly discussed. A letter from the Zoning Inspector followed by a letter from the County Prosecutor are sent. If the property owner does not comply within 30 days, the township can implement a clean-up, the cost of which is added to the property owner's assessed property tax.

New Business

Trustee Charlie Miley reported that the Tri-Township Fire District Board had approved guidelines for Dry Hydrants that address materials, installation, Fire Department Access Roads, inspection and maintenance. Townships are asked to include voluntary placement of these devices in ponds where there are no hydrants accessible. This is an important safety strategy. It was suggested that Article 21.05 might be an appropriate site for placement of this new language in the Zoning Resolution.

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Old Business

Members had been discussing Airbnbs and Article 14 at the September meeting. Ms. Sheets had reviewed the Delaware County townships and found none had language regarding Airbnbs. Mr. Serio had looked at several Morrow County townships and reported he found no language pertaining to Airbnbs. Mr. Serio said he was aware of another state that allowed three month rentals of Airbnbs up to three times a year, often in a resort area.

Mr. Capwell thanked Mr. Heydinger for providing information from Canton Township, Stark County about *short term rentals*. While the more generic term would apply to Airbnbs, the information was more geared toward the short term rental of houses. Mr. Capwell said work on Airbnbs would be a longer term project, needing more research. Mr. Williams observed that noise and other issues would be factors to consider. Mr. Gaskell said owners would need to determine specifics, such as allowing smoking or pets. Mr. Heydinger noted that nuisance rules in general would apply and a permit process included. Mr. Capwell would like to see interest from additional people and recommended that the topic be tabled for now so that the BTZC could focus on revising Article 14.

The members returned to Article 14 in the Resolution review. Ms. Sheets said that in reviewing the various township language, there were half using the NAICS Codes and half using generic language in commercial permitted uses. She had sent out language from Genoa Township that had been referenced at the last meeting. Mr. Heydinger had provided language from Berkshire Township, where NAICS codes are used. He asked about the goals of the revision. Mr. Capwell noted concerns Mr. Rinehart had raised regarding using digits implicating broader uses than intended and the challenge of keeping the codes updated. Mr. Capwell would like to make text easier to understand, Mr. Bean hopes to cut down the size of the content, and Mr. Williams was concerned about specificity and how prescriptive. Mr. Capwell doesn't want to burden the property member too much and is conscious of cost. Permitted uses specified and variations could be approved with the development plan.

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It was determined that members should review the current Brown Zoning Resolution Article 14, noting the code categories that they believe should be retained. Mr. Heydinger offered to provide Ms. Sheets with an Excel document that could facilitate this review.

Mr. Heydinger described to the members the work Orange Township has been doing with Regional Planning to create a *Planned Unit Development* and asked how BTZC had worked with Regional Planning regarding Zoning Resolution revision. Ms. Sheets stated that when she began as Zoning Secretary, the Zoning Resolution was difficult to use, with little formatting. Regional Planning has been instrumental in improving the format, such as improving the table of contents, and adding footers that reflect the article. Basically, the BTZC supplies the content and wording and Regional Planning assists with formatting. Mr. Sander has come to consult with the BTZC on specific topics.

Mr. Heydinger would like to speak with Mr. Sander about the Orange Township project, which has taken about a year and is accessible on the Regional Planning Website. As a new member, he was not sure how to approach. Ms. Sheets will call Mr. Sander and ask if he would speak with Mr. Heydinger about how they can assist and specifically regarding the Orange Township project.

Adjournment

Mr. Williams moved to adjourn the meeting and Mr. Bean seconded. Motion passed and Mr. Capwell adjourned the meeting at 8:15pm.

Vickie Sheets
Brown Township Zoning Secretary

Ian Capwell
BTZC Member

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DRAFT Meeting Minutes November 7, 2024

Attendees

Keith Holewinski, Chair

Kyle Vanderhoff, Vice-chair

Ian Capwell, BTZC Member

Aaron Heydinger, BTZC Member

Jeremy Williams, BTZC Member

Stan Bean, Alternate

Marc Gaskell, Alternate

Steve Serio, Zoning Inspector

Vickie Sheets, Zoning Secretary

Brad Ross, 8738 Fontanelle Rd, Ostrander, OH 43061 (owns cabin retreat at 5510 Bowtown Road)

Call to Order

Chair Keith Holewinski called the meeting to order at 7:00 pm.

Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

Changes to Agenda

There were no additions or changes to the agenda,

Approval of Minutes

Mr. Vanderhoff moved and Mr. Holewinski seconded that the August 2024 minutes be approved. Motion passed.

Mr. Bean moved and Mr. Vanderhoff seconded that the September 2024 minutes be approved. Motion passed.

Mr. Capwell moved and Mr. Williams seconded that the October 2024 minutes be approved as amended. Mr. Holewinski and Mr. Vanderhoff abstained from the vote. Motion passed.

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Draft Meeting Minutes December 5, 2024

Attendees

Keith Holewinski, Chair

Kyle Vanderhoff, Vice-chair

Ian Capwell, BTZC Member

Aaron Heydinger, BTZC Member

Stan Bean, Alternate

Marc Gaskell, Alternate

Vickie Sheets, Zoning Secretary

Call to Order

Chair Keith Holewinski called the meeting to order at 7:00 pm.

Pledge of Allegiance

Attendees recited the Pledge of Allegiance.

Changes to Agenda

There were no additions or changes to the agenda,

Approval of Minutes

Mr. Holewinski moved, and Mr. Vanderhoff seconded that the November 2024 minutes be approved. Motion passed.

Regional Planning Meeting Attendance

Mr. Serio is expected to attend the Regional Planning meeting in December.

Mr. Vanderhoff offered to be a backup if Mr. Serio is unable to attend.

Zoning Inspector Report

Ms. Sheets reported that Mr. Serio issued two fence, one barn and one new home permits in November. Letters to road right-of-way offenders were sent in October. Mr. Serio also spoke with residents on Howard Road concerning a shed light complaint.

New Business

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Mr. Holewinski advised that he will be going off the BTZC at the end of the year, having termed out per the Zoning Resolution requirements. The members also discussed that the regularly scheduled January 2025 meeting falls on January 2, 2025, and have a quorum on that date is questionable. They suggested moving the meeting to January 9, 2025, when five members expect to attend. Realizing the meeting will require a legal notice, Ms. Sheets was directed to consult on what is needed to do this.

Old Business

Ms. Sheets said that Mr. Serio had obtained the updated township map the BTZC had requested at the November meeting. Ms. Sheets also advised the members that Trustee Charlie Miley had indicated that the Fire Department had requested the recommended standards for Dry Hydrants be added to the Zoning Resolution. The members discussed this at length, stating that these were not required but greatly encouraged to be used they still believe prefer using the standards as an educational document distributed by the Zoning Inspector. Ms. Sheets will confer with Mr. Miley, and she was directed to ask Scott Sander at Regional Planning how other townships are approaching this issue, and if they are adding to their resolution, where are they putting it.

The BTZC members moved on to Article 14. Ms. Sheets had sent out the requested draft revised Article 14 the used the generic approach rather than the NAICS codes currently incorporated in the Zoning Resolution. The members reviewed the document and the comments submitted by Mr. Heydinger that suggested deletion of some repeated language, format revision and language that clarified the final review and approval of Final Development Plans is an administrative function unless the Final Development Plan is simultaneously submitted with the application for the zoning district change. The members decided to use language from Berkshire Township that suggests applicants have informal discussions with township staff and Regional Planning staff regarding development plans and process. These would be non-binding, for information purposes. Mr. Heydinger will work with Ms. Sheets to develop the next draft and Ms. Sheets will prepare a

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summary of the suggested changes with rationale. She was also directed to consult with Mr. Sander of Regional Planning regarding content and format of the draft document. The BTZC goal is to vote on a recommendation regarding Article 14 at the January 2025 meeting.

Mr. Holewinski continued the previous discussion on Airbnbs and short-term rentals. The members had reviewed several resources, including draft Delaware City short-term rental regulations from Connie Skinner, a draft Ohio and draft legislation from Senator Brenner. The question is whether to allow or not, and what to recommend to the Trustees. and if they are allowed, what would be appropriate guardrails. The members want property owners to be able to use their properties but aim to avoid problems such as “wild party barns.” It was noted that these might seem like a good idea until your neighbor creates one. The discussion included:

- How to define
- Requiring use of a permanent permitted structure
- Not changing the physical nature of a property
- Requiring the owner/managing person must be available nearby
- Limiting the number of Airbnbs one individual can have (avoid having multiple properties purchased for the sole intent of creating Airbnbs
- Defining process for applying and renewing permits
- Making renewals not automatic but subject to Trustee review
- Defining grounds and outlining process for revoking a permit or denying renewal.

The members also discussed the line between a Bed and Breakfast and an Airbnb and the relation to granny flats. Other concerns are sufficient septic and the need to consult with the Health Department. The members recognize the likely increase on the Zoning Inspector’s workload and permit fees. Since this would be a conditional use, the Board of Zoning Appeals would be involved. It was suggested that a separate article on short-term rentals would be appropriate. Mr. Vanderhoff will work on a document combining language from the shared Delaware City and Senate drafts.

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Mr. Heydinger had shared the Danbury Township in Ottawa County Ohio Zoning Resolution, and the members were interested in the Use Matrix format. Ms. Sheets was asked to contact Danbury Township to see if they would be willing to share their electronic format.

The members noted that next year's work would include developing a new article for overlays and seeking outside resources to assist with solar farms

Adjournment

Mr. Vanderhoff moved to adjourn the meeting and Mr. Bean seconded. Motion passed and Mr. Holewinski adjourned the meeting at 8:15pm.

Vickie Sheets
Holewinski
Brown Township Zoning Secretary

Keith
BTZC Chair