

**Austinburg Township, Ohio
Zoning Commission
Regular Meeting
October 4, 2017**

The Regular Meeting of the Zoning Commission was called to order on October 4, 2017 at 7:12 PM by the Chair, Mr. Rob Lapuh. Present were Vice Chair Ms. Jackie Krysa, Ms. Wanda Lahnan, Mr. Phil Miller and Mr. Ted Seifert. Also present were Zoning Inspector John Beninato, Zoning Secretary Helen Yarbrough and others. See Attachment 1 for attendees. No Austinburg Township Trustees were present.

Ms. Krysa made a MOTION to approve the Minutes of the September meeting. Ms. Lahnan seconded the MOTION to approve the Minutes. All voted aye, none were opposed, and the MOTION carried. The Minutes were approved.

Mr. Beninato had a question about private roads in the August Minutes, where it states that a “private road must be inspected and approved by the County Engineer or other certified professional prior to use.” As the Zoning Inspector, Mr. Beninato would prefer to have it only say “County Engineer.”

Some discussion followed about changing “County Engineer or other certified professional” to “County Engineer” or “County Engineer or his designee.”

Mr. Lapuh asked for a MOTION to change item number 2 in the August minutes (concerning Section 1000.210 in the Zoning Text), on the subject of Private Roads, so that “County Engineer or other certified professional” will read “County Engineer or his designee.” Ms. Krysa so moved. Mr. Miller seconded the MOTION. All voted aye, none were opposed, and the MOTION carried.

Mr. Lapuh opened for discussion the information on Fair Housing that Ms. Lahnan had emailed to the members.

Mr. Seifert mentioned that some of the homes under Fair Housing need to have multi-family dwellings, which we don’t have here, and there’s not much vacant land available to put them where there are also sewers already in place. Also, if a property owner were to have his land zoned as Multi-Family, are we taking away his rights to have a single-family home there?

Ms. Krysa suggested that it not be made too complicated, but stay close to doing just the definition. She asked if the County Prosecutor ever responded to us on how to define a family, and she also mentioned that the Ohio Revised Code (ORC) has a definition of an adult family group home.

Ms. Lahnan shared this definition of a group home from an article entitled “Questions and Answers on the Fair Housing Act and Zoning”:

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The term "group home" does not have a specific legal meaning. In this statement, the term "group home" refers to housing occupied by groups of unrelated individuals with disabilities. (2) Sometimes, but not always, housing is provided by organizations that also offer various services for individuals with disabilities living in the group homes. Sometimes it is this group home operator, rather than the individuals who live in the home, that interacts with local government in seeking permits and making requests for reasonable accommodations on behalf of those individuals.

The term "group home" is also sometimes applied to any group of unrelated persons who live together in a dwelling -- such as a group of students who voluntarily agree to share the rent on a house. The Act does not generally affect the ability of local governments to regulate housing of this kind, as long as they do not discriminate against the residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

Ms. Krysa asked if Class I, II, III are still used any longer? If that's old terminology, we'll just have to take those terms out.

Mr. Beninato said that in our Zoning Text, Article 10, page 13 -- that would be in 1000.83 Zoning of Group Residential Facilities – Class I Type A, Class II Type A, and Class II Type B. are in R2 and NC Districts.

Ms. Krysa said that the ORC uses no classes any more – it's only Adult Family Home and Adult Group Home. An Adult Family Home has 3-5 residents and an Adult Group Home is 6-16 residents.

Mr. Seifert suggested that we strike all these paragraphs 1000.80 to 1000.85 from our Zoning Text, then just list the types of homes in the appropriate districts. We don't have to do anything with IOP because we don't allow single family homes there. He then proposed that we define an Adult Group Home as follows.

Ms. Krysa read that an Adult Group Home means a residence or facility that provides accommodations and supervision for 6 to 16 unrelated adults, at least 3 of whom require personal care services. That's the Ohio Revised Code, from ORC 5119.70a7-9.

Mr. Seifert then proposed that we define an Adult Family Home as follows.

Ms. Krysa read that an Adult Family Home is a residence or facility that provides accommodations and supervision for 3 to 5 unrelated adults, at least 3 of whom require personal care services.

Ms. Krysa then said that "personal care services" is defined as the assistance with activities of daily living, which with respect to zoning, has an A, B, C and D, as per Ohio Revised Code 5119.70A6, and 5119.72A, B1-2, C, and D1-2.

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Mr. Seifert said that we don't have to have everything actually written in our zoning code as long as we can reference where to find it, so referring to the Ohio Revised Code in our text is a good way to do that.

Mr. Seifert proposed that the Adult Group Homes be allowed in the R2 district because they have to be multifamily.

Ms. Lahnan asked if we have to say what districts they are allowed in. The response to that was yes.

Mr. Seifert said that we can put it in Section 8 as a permitted use.

He also proposed that the Adult Family Homes be allowed in R1, R2 and NC;

And that in Section 8 under NC we strike number 14 where it says Group Homes Class 1A, Class 2B and so forth, since it's no longer a conditional use, it's an allowed use;

And in the R1 district, we should add Adult Family Homes as allowed, and should replace item 8 in the allowed uses;

And in R2 we should remove number 4 under Conditional Uses and put that same thing as R1 as item 8 in R2.

Mr. Beninato asked if we want to take out day care from conditional use?

Mr. Lapuh and Mr. Seifert responded no, that's a different issue.

Mr. Seifert said that the RC district should allow Adult Family Homes, but we can't allow Adult Group Homes there because there are no sewers;

And he further proposed that Sections 1000.80 through 1000.85 be removed from our text, because we can't treat Adult Family Homes like anything other than a single family residential home. So all of these regulations that had to do with family homes, we can't do that because it's discriminating against them versus a single family home.

Ms. Lahnan will write these up and we can review them next time.

Mr. Seifert commented that we need a good definition for family.

Ms. Krysa will see what she has for a definition of family.

Mr. Seifert suggested that we can send Ms. Lahnan's write-up to Janice Switzer for her thoughts – not for approval, but just for her thoughts. After that it can be sent on to the Planning Commission for their thoughts.

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Mr. Lapuh asked if anyone has anything else to discuss?

Mr. Miller said that at a Trustees' meeting recently they talked about changing the definition of a front yard, especially since some front yards are too far back.

Mr. Beninato said that they want us to look at the definition of a front yard, and how to handle accessory buildings. The side yard is only the width of the depth of the house.

Mr. Seifert said that maybe we should say that no accessory building should be constructed and placed within the required setback.

Mr. Lapuh agreed that it should be addressed.

Mr. Beninato said that the definition now says that accessory buildings are allowed if they meet the setback, but to do that, the house has to be only 50 feet back.

Mr. Seifert asked if we allow accessory buildings in the front yard of any yard, as long as they meet the required setback, then what about if the house is 200 feet back? 150 feet? 100? Where will you set it? It's a moving target. We can't be arbitrary about it. Any place back of the 50 feet setback can be allowed. So if one owner can place a building at 50 feet, why can't another do it?

Mr. Lapuh said that Mr. Beninato is right that, with the way it's now worded, you definitely can not put an accessory building in front of your house even though your house sits 300 feet off the road. We should address that more.

Mr. Miller added that some people have woods in front with a driveway going way back, as much as 500 feet, so nothing can be seen from the road.

Mr. Lapuh said we need to add that to the list with fair housing to be dealt with soon.

Ms. Lahnman made a MOTION to adjourn the meeting. Ms. Krysa seconded it. All voted aye; none were opposed. The MOTION carried. The meeting was adjourned at 8:00 PM.

The next meeting will be November 1, 2017.

Respectfully submitted,

Helen H. Yarbrough
Zoning Secretary