

Chairman Paul Wilkerson convened the Zoning Commission meeting at 6:00 p.m. Present were Ernest Stein, Mark Wasick, Colleen Ahern, Bill Frye and Paul Wilkerson. Jane Scott and Patrick Craig were absent. Kim Ferencz, Zoning Inspector and Sue Schultz, Assistant Zoning Inspector were present.

PUBLIC HEARING: 6:00 P.M.
APPLICANT: ATTY. JAMES FISHER
ADD: SEC. 430-2-G.11

Wilkerson opened the public hearing.

Wilkerson swore in all persons who wished to speak.

The text amendment is to Section 430-2 G. 11: Care, grooming and lodging of household pets, provided all activities (except normal outdoor exercise) occur within completely enclosed buildings, adequately soundproofed and air-conditioned so that there will be no emissions of noise or odors detrimental to neighboring properties. Normal outdoor exercise must occur within a fenced enclosure.

Atty. Fisher stated that on behalf of Montrose Pet Resort, he was requesting to amend Section 430-2 G. of the Copley Township Zoning Resolution. The amendment, if enacted, would permit the care, boarding, and grooming of household pets as a permitted use in the I-1 District.

The I-1 District presently allows a veterinary office or clinic as a permitted use where the use is no closer than fifty (50) feet to any residential district. The proposed amendment would permit many of the same services offered at most veterinary offices, but without the full-time presence of a DVM.

Care, boarding and grooming of household pets is not mentioned anywhere in the Copley Township Zoning Resolution, not even in the C-1 and C-3 Districts which allow retail uses catering to the convenience of the public (such as barber and beauty shops, tailor, or food stores). The reason for this omission may stem from Ohio case law, including at least one Supreme Court decision which was held that care, boarding and grooming of household pets is animal husbandry. Section 519.001 of the Ohio Revised Code classifies animal husbandry as an agricultural use, which Section 519.21 exempts from Township zoning control, except in certain residential allotments.

Care, boarding and grooming of household pets is less objectionable than most, if not all, of the other I-1 uses. Allowing this amendment should result in no adverse effect on the Township or any of its properties.

Atty. Fisher stated that a veterinary clinic does all of the same functions as the Montrose Pet Center except the pet center does not have a veterinarian on site.

SUMMIT COUNTY STAFF DISCUSSION: Veterinarian Hospital or Clinic is already a

permitted use in the I-1 Industrial District. It is included in the list under Subsection G. of uses allowed when conducted no closer than within fifty (50) feet of any "R" District.

A Veterinary Clinic is defined in the Copley Zoning Resolution as: A place used for the diagnosis, care, and treatment of sick, injured, or infirmed animals or those in need of medical or surgical attention. Such a place may include provisions for temporary boarding of animals for treatment, observation or recuperation.

It seems that the proposed use of household pet care and lodging, would be very similar to the already permitted use of Veterinarian Clinics in the I-1 Light Industrial District. As proposed, it will be included in the list under Subsection G. of uses allowed when conducted no closer than within fifty (50) feet of any "R" District.

Summit County Staff recommended approval to the Summit County Planning Commission.

SUMMIT COUNTY PLANNING COMMISSION ACTION: APPROVAL

Leslie McBurney went before the Board and was sworn in. Ms. McBurney stated that the dogs are entertained by television sets and fish aquariums entertain the cats. One staff member would be outside with one pet at a time. At no time would two dogs be outside together unless the same family owned them. This breaks down on barking and noise.

Wilkerson asked for additional comments from the floor that were in favor of this request. No comments were made.

Wilkerson asked from comments from the floor that were opposed to this request. No comments were made.

Ferencz and Schultz were sworn in by Wilkerson.

Schultz asked the Zoning Commission if there would be a title for this Use. After much discussion the Zoning Commission came up with the title of "Household Pet Boarding Facility".

Schultz asked about the parking requirements for this Use. Atty. Fisher stated that he thought this Use would fall under Business, Professional Offices, Banks and Personal Services * 1 per 175 sqf. The Zoning Commission concurred.

Schultz reminded the Zoning Commission that this application was not for just this application at this particular site. The text amendment applies to all property in Copley Township that is zoned I-1 Industrial.

Terry Noonan went before the Commission and was sworn in. Mr. Noonan stated that the Summit County Planning Commission had no concerns over this proposed text amendment.

The proposed text amendment is as follows:

Art. II., Household Pet Boarding Facility: Care, grooming and lodging of household pets, provided all activities (except normal outdoor exercise) occur within completely enclosed buildings, adequately soundproofed and air-conditioned so that there will be no emissions of noise or odors detrimental to neighboring properties. Normal outdoor exercise must occur within a fenced enclosure.

Sec. 430-2 G. 11. Household Pet Boarding Facility

Wilkerson entered into the permanent record, the complete file, the Zoning Resolution & Map, and the Comprehensive Land Use Plan.

All discussion is on file.

Wasick moved to close the public hearing, Ahern, second. Wilkerson called for the vote. Ahern, aye, Frye, aye, Stein, aye, Wasick, aye. The motion carried.

Stein moved to recommend approval of the above proposed amended text amendment to Art. II Definitions: Household Pet Boarding Facility and Sec. 430-2 G. 11. Household Pet Boarding Facility, Ahern, second. Wilkerson called for the vote. Ahern, aye, Frye, aye, Stein, aye, Wasick, aye. The motion carried.

PUBLIC HEARING: 6:05

APPLICANT: COPLEY TOWNSHIP

AMEND: ART. III, SEC. 302 CC. PRIVATE GARAGE

Wilkerson opened the public hearing.

The amendment is as follows:

Article III, Section 302 CC. Private Garage:

Attached Garage: A private unattached garage shall not have an area of over 900 square feet. Limit * One (1) attached garage per lot.

Unattached Garage * General Requirements: Limit * One unattached garage per lot. An unattached garage shall not be located closer than fifteen (15) feet from the main building. If any portion thereof is located to the side of the main building, a fifteen (15) feet side lot line must be maintained. If located fifteen (15) feet to the rear of the main building, it shall not be located closer than five (5) feet from the rear of side lot line. No unattached garage shall be located further forward than the closest forward structural corner of the main building.

A. On lots containing up to one and one-half acres, excluding the road right-of-way, a

private unattached garage shall not have an area of over 900 square feet.

B. On lots containing up to three acres, excluding the road right-of-way, a private unattached garage shall not have an area of over 1,200 square feet.

C. On lots containing up to four acres, excluding the road right-of-way, a private unattached garage shall not have an area of over 1,500 square feet.

D. On lots over five acres, excluding the road right-of-way, a private unattached garage shall not have an area of over 1,800 square feet.

Staff recommended that the Copley Township Zoning Commission consider a maximum height for detached garages.

SUMMIT COUNTY STAFF RECOMMENDATION: Staff recommended to the Summit County Planning Commission that the proposed text amendment be approved with due consideration to Staff comments.

SUMMIT COUNTY PLANNING COMMISSION: APPROVAL with due consideration to Staff comments.

After much discussion, the Zoning Commission amended the text as follows:

CC. Private Garage * Attached or Unattached: The last sentence is to read. The maximum overall height for an unattached garage shall not exceed twenty-five (25) feet.

CC. Private Garage

A. On lots containing up to and including five (5) acres, excluding road right-of-way, a private unattached garage shall not have an area of over 900 square feet.

B. On lots exceeding five (5) acres, excluding the road right-of-way, a private unattached garage shall not have an area of over 1,800 square feet.

All discussion is on file.

Ahern moved to close the public hearing, Frye, second. Wilkerson called for the vote. Frye, aye, Ahern, aye, Stein, aye, Wasick, aye, Wilkerson, aye. The motion carried.

Ahern moved to recommend approval to the Board of Trustees for the above amended text amendment, Frye, second. Wilkerson called for the vote. Frye, aye, Ahern, aye, Stein, aye, Wilkerson, aye. The motion carried.

The minutes of May 1st were approved read.

The minutes of June 5th were approved as amended.

NEXT MEETING DATE: September * to be determined.

With no further business to come before the Board, the meeting was adjourned at 7:40

p.m.

Paul Wilkerson, Chairman Sue Schultz, Secretary