

Washington Township – Lucas County, Ohio
Zoning Commission Meeting

2469 Shoreland Avenue, Toledo, OH 43611

Reconvening of September 20, 2022 meeting
November 1, 2022 at 6:40 p.m.

Zoning Commission Chair Hunt Sears called to reconvene the meeting from September 20, 2022 at 6:40 p.m.

Notices for the reconvening of the meeting were posted on the Washington Township website and Facebook page.

Roll call: Mrs. Janet Dombkowski, present; Mrs. Sue Futey, present; Ms. Denise Rex, present; Mr. Hunt Sears, present; and alternate Mr. Jerry Mayfield, present. (Commission member Rob Disbrow was unable to attend.)

Mr. Sears added to the agenda that the Commission approve minutes from the September 20, 2022 meeting of the Zoning Commission because there are different committee members here since that meeting. The Zoning Secretary pointed out that two changes had been made since the original draft of the minutes was shared: 1) wording in the 9th paragraph on page 1; and 2) the addition of comments in the 4th paragraph on page 4 as suggested by Mrs. Dombkowski. Mr. Sears asked for any other comments or questions on the minutes; there were none. He asked for a motion to approve the minutes.

MOTION made by Mr. Mayfield to approve the minutes as submitted.

Second by Mrs. Dombkowski.

Roll call: Mrs. Dombkowski, yes; Mrs. Futey, yes; Mr. Mayfield, yes; Mr. Sears, yes.

A. Pools: Resolution needs to be updated to include contacting the county

Mr. Sears asked Mr. Mayfield to share what he had found out about this. Mr. Mayfield went to the Lucas County Building Regulations office and spoke with them in person. He found out that the pool grading issue is the engineer's grading issue. He received what was called their "Blue Slip Procedure." which provided a link to the Lucas County Grading and Drainage rule. Inside of that document is a paragraph that could be included on our zoning application which would say that, even if Lucas County has given permission for the pool, the applicant has to go to the Ohio EPA and everyone else. The resident cannot think that just because they went to Lucas County that they are done with all the permitting:

"Zoning permits issued in accordance with Washington Township's regulations do not relieve the applicant of the responsibility for obtaining all the necessary permits and/or approvals from Lucas County, Ohio EPA, the U.S. Army Corps of Engineers, and any other federal or state agencies."

Discussion was held about where this would fit in the Zoning Resolution, and the other required permits and what they entail. It was suggested that the wording could be included at the bottom of the current application.

Mr. Sears likes that, if this is on the application, the township has done its duty to inform the resident; the resident can initial that section of the application indicating they have read it and are aware of their responsibility to follow through.

Mr. Brittson will change/update the application to include the proper information at the bottom, including a check box for the applicant to check or initial indicating that they've read it.

Added Item for Discussion: Commercial Trucks:

Mr. Mayfield mentioned a variety of problems with commercial trucks that have come up: a tow truck driver who took his truck home and let it idle all night, dragging mud in and out; there's a residential property that has a commercial tree trimming/bucket truck parked on the property; one or more residents are driving a semi truck home at night and neighbors are complaining.

It was explained that it's already against our zoning rules to have a commercial truck parked on a residential lot, but there's no definition for a commercial truck. Mr. Mayfield worked on creating a definition, based on a Resolution passed by Trustees about 4 or 5 years ago, that prohibited commercial trucks from being parked on the street overnight. That was the result of a problem with a large commercial truck parked on East Harbor, on the emergency route, that created a problem for emergency vehicles when they came around that corner.

The intent of that Resolution was never to prohibit plumbers, HVAC, or other service people who have a work van or truck, from bringing their vehicles home. It was meant to deal with the heavy-duty trucks - weighing over 6,000 lbs, with 4 or more rear wheels. So the suggestion is to vote on just adding the definition of "commercial trucks" to the Zoning Resolution, Section 24:

***“Commercial Truck:** Any truck displaying commercial license plates, with a curb weight over 6,000 pounds, and having four (4) or more rear wheels.”*

Discussion was held regarding the number of wheels on trucks, dualies, weight of trucks, and commercial vehicle license plates.

The vehicle has to meet all three criteria: have a commercial plate, weigh over 6,000 lbs., and have 4 or more rear wheels - which would prohibit them from being parked in a residential area or lot. The definition is meant to be universal with the Resolution that Trustees passed for on-street parking; this would involve what residents can park in their yard.

Mr. Sears asked for a motion to add the definition.

MOTION was made by Mr. Mayfield to add the definition of commercial trucks to the Zoning Resolution, under "Definitions."

Second by Mrs. Futey.

Roll call: Mrs. Dombkowski, yes; Mrs. Futey, yes; Ms. Rex. Yes. Mr. Mayfield, yes; Mr. Sears, yes.

Mr. Sears asked Mr. Mayfield about any follow-up to the wording that was thought to have been omitted about fencing on corner lots. Mr. Mayfield said he looked it up and, even though the paragraph was changed, the rule still applies elsewhere in the Resolution. It is addressed as an "accessory structure" (which includes fences) - on a side or corner lot, and has to be the same as the front lot. So, what was omitted is still covered in two different ways within the Zoning Resolution.

Mr. Mayfield mentioned that there's wording in the township's Zoning Resolution for signs, that he didn't really follow-up on at this time. He cited a lawsuit, four or five years ago, Reed vs. Gilbert, AZ - in which the U.S. Supreme Court ruled that sign laws cannot consider the words on the sign to determine if it's legal or illegal. At one point, the County was supposed to rewrite the sign code to match the Supreme Court ruling, but he's not seen anything come from that. But, somewhere down the line, the sign section of the township's Zoning Resolution would need to be updated to reflect the Supreme Court ruling.

From the audience, Mr. Bob Futey asked, "What about signs on a vehicle that sits outside their fence?" It was explained that signs are a very tricky issue because of free-speech. Mr. Mayfield mentioned two local cities that also tried to make laws stating that campaign signs could only be put out 60 days before an election; both cases went to court and lost. Regulating signs is very tricky; it's a free-speech problem.

B. Occupancy Permits

Mr. Sears mentioned that Mr. Britton was going to share copies of what Monclova Township uses for their occupancy permits. Mr. Britton said he got sidetracked, but he will get it sent in time for the Zoning Commission's January meeting.

Mr. Britton mentioned that the township recently had its Ohio Township Association Risk Management Association (OTARMA) audit and occupancy permits came up; we do need to get them. One of the firefighters is getting certified so we can go out and do the fire inspection and occupancy permits at the same time.

C. Possible Zoning restrictions for limiting nursing facilities from locating in township

Mr. Sears mentioned the 911 issues and the drain on our fire department and EMS that's caused by the nursing home facility. He spoke with Monclova Township Trustee Chuck Hoecherl and he also spoke with a friend in Sylvania Township.

He doesn't know what we can do for zoning. He's looked at the township map and he really thinks we should get the zoning map on our website. Mr. Britton has seen the map somewhere; he will get it posted on the website.

Mr. Sears said he took time and went through the zoning map. The zoning for Raintree Village trailer park is C-2 (General Commercial district) up front (along Alexis), so nursing homes and assisted living facilities are allowed there.

Mr. Britton informed the group that Raintree Village is in the process of being sold, but they're not aware of who's buying it. He just knows a local person is living there and has been put in charge of it. The previous husband/wife team that were manager/bookkeeper have been let go. Lawyers out of Texas are working on the deal.

In Mr. Sears' conversations with people in Monclova and Sylvania Townships, he learned they are also having the same issues. Sylvania Township has a lot of nursing homes, and Monclova has one but another is coming. What they're doing is setting up Joint Economic Development Zones (JEDZ). Sylvania Township has one with Oak Leaf Village, and two other facilities that are owned by the same company, and it's working very well.

Mr. Sears explained that we'd have to partner with another municipality and it doesn't have to be contiguous: Sylvania Township is doing it with the City of Sylvania and Monclova

Township is doing it with Maumee. We could do it with Maumee or anybody. Basically, we would get 1.5% income tax on the employees at that business, but they also have to agree with us.

Mr. Britton said Sylvania has sent a “nasty gram” to their facilities, saying they will be charged for the 911 calls, even though they know they can’t enforce it. It has, supposedly, reduced the number of calls. The bad thing for us is that so many calls at the Summit Street facility are not real medical emergencies.

The only time we get reimbursed is if we put someone in an ambulance and take them somewhere. Conservatively, he said, 70% of 500 calls are from the nursing facility.

Mr. Sears said we’re not alone; every township is having that issue and they’re addressing it through JEDZs. But he doesn't know if it would work for us. He explained that Maumee and Briarfield is a JEDZ - between Monclova Township and the City of Maumee. So all those businesses within that JEDZ are levied up to 1.5% income tax (that’s the max), and it’s split equally between Maumee and Monclova Township. It generates income for the township and the city.

Mr. Britton asked if we could designate Summit Street - from Shoreland going north. Mr. Sears said we could; that would be our Joint Economic Development Zone and then all the employees pay that 1.5% income tax.

Mr. Sears explained the township does not levy an income tax. So, if you live in the township and work in the township, you don’t pay any income tax.

Mr. Britton stated that we’re limited as to where it (JEDZ) could be; by the old Kroger or by the trailer park. But the nursing facility also has room to expand where they’re at. He stated that he read somewhere that they may be trying to put a bed limit on the facility.

He also shared that, since our last meeting, the township got the 911 bill and it’s \$53,000.00; 60-70% of that is due to the nursing facility on Summit Street.

Mr. Sears also learned and shared that Sylvania Township Fire Department’s assistant chief is involved with state-wide fire chiefs to get some of these issues addressed. He suggested we may want to get on that band wagon, if we have not already.

Mr. Sears summarized: nursing homes and assisted living are allowable in C-2 and R-4 zones. But we don’t have any R-4. So the C-2 zones are Summit Street and Raintree Village.

Mr. Britton mentioned the trailer park is zoned really strange, and there are a couple codes in there, but the County confirms they are the correct codes. Mr. Sears stated the frontage is C-2 along Alexis and about ¼ of the way back; then the rest of it is R-1A. And the permitted uses for R-1A are manufactured home, church, place of worship, and a couple others. It’s not for assisted living or nursing home, but they would have a pretty good chance of getting it in there with the mixed zoning.

Mr. Mayfield explained that when the mobile home park was originally built, the front area (along Alexis) was not developed; that’s why the front area is zoned commercial. And when they thought there was no demand for the commercial zone, they expanded the trailer park to the front. He explained that, because of the commercial zoning of the front area of the trailer park, “Room 801” (sexually oriented business) was allowed there. (Normally, it isn’t allowed to be within 500 feet of a residential area.)

Mr. Sears asked if there was any new business anyone wished to discuss.

Mr. Britton said that as a result of the OTARMA Audit, one of their suggestions was that the Zoning Commission update or verify the Zoning Resolution every 3-5 years. After adding the recommendation from tonight's meeting, we should be good for another 3-5 years - unless something comes up before then.

Mr. Mayfield referred to his copy of the 1995 Zoning Resolution and read the years in which the Zoning Resolution was updated: 1969, 1974, 1979, 1982, 1992, 2006, and 2014.

The Zoning Secretary confirmed that once the draft of tonight's meeting minutes is complete, the recommendation will go to the Toledo-Lucas County Planning Commission to confirm the definition wording is correct and, if approved, it will go to the Washington Township Trustees for their approval. Trustees cannot change it; they can approve it as it is submitted by the Toledo-Lucas County Planning Commission or they can turn it down, but it must be turned down unanimously.

The minutes for this meeting will be approved at the next Zoning Commission meeting.

With no further business, Mr. Sears moved to adjourn the meeting at 7:19 p.m.

Second by Mrs. Dombkowski.

Roll call: Mrs. Dombkowski, yes; Mrs. Futey, yes; Ms. Rex, yes; Mr. Sears, yes; Mr. Mayfield, yes.

Respectfully Submitted,

Karen A. Mayfield
Washington Township Zoning Secretary

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