



Bath Township Zoning Commission September 10, 2026 – Work Session Minutes

Approved: 09/24/2026

Call to Order/Roll Call: Chairman Marshal Pitchford, Vice Chair Emily Hete, Joy Kosiewicz, Kyle Craven, Tyler Bolanz, Legal Counsel Bob Konstand, Planning Director/Zoning Inspector Bill Funk, and Zoning Secretary Nanci Noonan. Kristin Sanchez and Richard Bradner were excused. Resident Joanne Alexander was in attendance. A quorum was present.

Mr. Chairman led the Commission in the Pledge of Allegiance.

Approval of February 12th and June 11th Work Session minutes: motion to approve by Mrs. Hete; seconded by Mr. Craven. All in favor, motion carried.

New Business – Mr. Funk presented the latest draft of the zoning resolution update. The Commission reviewed Articles 1 and 2, focusing primarily on organizational changes, policy concepts, and procedural revisions. Detailed wording revisions will be addressed during future reviews.

Article 1: General Provisions, Section 1.03 – Relationship to Township Plans - Mr. Funk explained that revisions broaden references beyond the Comprehensive Plan to include other Township-adopted planning documents.

Section 1.05 – References to External Authorities - Commission members discussed concerns regarding the use of the term "outside documents," noting that the phrase may be overly broad and subject to interpretation. Key discussion points included whether references should remain limited to the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC), the need for more precise language identifying applicable external authorities and direction. Staff will review with Wendy and refine the terminology before the next draft.

Section 1.06 – Enforcement Language - Commission members discussed language requiring enforcement "in accordance with the regulations of this resolution." Members recommend replacing the term "regulations" with clearer terminology such as, "provisions," "terms," or a direct reference to the zoning resolution itself.

Section 1.08 – Conflicts with State and Federal Law - The Commission reviewed conflict language and in Section (B) it was suggested revising references to state and federal law to clarify that the provision applies when a conflict exists with either state law, federal law, or both. Recommended wording was "in accordance with the ORC and/or federal law."

Section 1.09 Relationship to Summit County Regulations - A minor grammatical concern was raised, but members agreed the intent of the section was clear.

Article 2: Decision-making Roles and Authority – Section 202, Figure 2.02-A – Mr. Funk and Mr. Konstand to review the chart again and clear up the proper procedures for the GI-O District Development and Plan.

Section (C) Delegation of Authority - The Commission reviewed revisions concerning delegation of authority. Note to delete the words “appears requiring” and insert “requires.” Discussion included replacing the word “subordinates” with “other officers or employees of the township” and removing unnecessary wording to improve readability.

Section 2.04 “Review” Boards and Commissions – Change to “Zoning” Boards and Commissions. The draft consolidates common requirements applicable to all zoning boards and commissions. Commission members recommend replacing references to “review boards” with “zoning boards” throughout the document for consistency, maintaining terminology commonly used throughout the Township's zoning regulations. In section (A)(1) put a “d” on the end of “an”. In section (A)(2) add “or if removed” after “qualified.” In section (A)(5) change wording to “effective at the end of their current terms...”. (A)(7) boards should be “board” and commission should be “commissions”.

(3) Board Appointments and Reappointments - The Commission discussed appointment procedures, member terms, and potential revisions concerning removal of appointed members. Mr. Konstand noted ongoing discussions he is having with the trustees regarding whether appointed board members should serve at the pleasure of the Board of Trustees and be removable by majority vote. No formal action was taken.

Board Bylaws and Training – Discussion was had regarding the need for enhanced board governance and training. Topics included conflicts of interest, member recusal requirements, ethical obligations, and quasi-judicial decision-making responsibilities. Mr. Konstand emphasized the importance of providing board members with clear guidance and training to protect the integrity of zoning proceedings.

Chair Rotation - The Commission agreed that chair rotation requirements should be addressed through board bylaws rather than within the zoning resolution itself.

2.04(B) Zoning Commission – add “(ZC)”

Section (2) Zoning Commission Roles and Powers – the Commission reviewed the addition of **Section (c)** to “hear and make a decision on any GI-O district preliminary development plan. **(d)** add the word “or” to “in the ORC and/or as specified....” Mr. Konstand will discuss this further with Wendy. Mr. Funk noted that on the top of page 10, we need to clarify “filed in the office of the Board of Trustees” versus “Fiscal office” for consistency. Mr. Konstand recommended saying “The Administration office.” Defined as to refer to the Board of Trustees and the Fiscal Office.

2.04 (C) Appearance Review Commission (ARC) – The Commission discussed proposed provisions allowing certain minor site plan applications to be reviewed administratively by the Zoning Inspector. Examples discussed included small commercial additions not visible from public streets and minor modifications with limited visual impact, i.e., minor sign changes. Items needing clarification are the circumstances under which administrative review is permitted when authority is delegated by the ARC and when review falls within the Zoning Inspector's independent authority.

(C) Appointment and Organization - (1) (c) – revised to, after “engineer,” “the authority for site plan review shall be the Zoning Inspector or designee” until such a time ... “.

(2) (d) & (e) Roles and Powers - The Commission reviewed proposed GIO responsibilities that would require the ARC to review and make recommendations regarding preliminary development plans and to also review and issue decisions regarding final development plans. Questions were raised regarding the distinction between recommendations and final approvals. Staff and legal counsel will further review the language with Wendy Moeller.

(3) Meetings – The Commission agreed that a general open-meetings provision located elsewhere in the resolution adequately addressed public access requirements, making duplicate language unnecessary. Strike Section (b) “All meeting shall be open to the public, except as exempted by law.”

2.04 (D) Board of Zoning Appeals (BZA), Section(D) (2) (c) Roles and Powers - The Commission reviewed draft language regarding the BZA's power to impose deed restrictions as conditions of variance approval. Legal counsel recommended retaining language expressly granting the BZA authority to impose deed restrictions, citing prior appellate litigation involving the issue. In the last sentence, the word “requiring” was revised to “imposing.” And the same was done to **Section (D) (2) (d)**.

Section 2.05 Zoning Inspector – The Commission reviewed proposed language authorizing the Zoning Inspector to review and decide certain site plan applications administratively. Members discussed clarifying language so that authority applies to applications that “are referred or” that qualify for administrative review; as outlined in Section 3.07 Site Plan Review in the zoning resolution. Staff will revise the language and cross-reference the applicable site plan review section. In **Section (A)(11)** it was recommended to add “any board or commission” after “Board of Trustees”.

Following completion of Articles 1 and 2, the Commission discussed strategies for continuing the zoning resolution update. These included future articles requiring more detailed review, additional work sessions, and special meetings between regular monthly meetings. Staff will explore scheduling options and member availability.

Mr. Konstand provided updates regarding ongoing litigation. He reported that the Sheetz BZA application denial is currently under appeal in Common Pleas Court. An expedited review schedule has been established. Discussion centered on defending the Board's findings regarding neighborhood character and the potential impacts of a 24-hour retail operation. On another matter, Counsel reported favorable developments in litigation concerning outdoor advertising signs. Federal court dismissal was upheld on appeal, and related state court proceedings were voluntarily withdrawn after procedural issues were raised.

Additional work sessions may be scheduled to continue review of the zoning resolution update. A motion to adjourn was made and seconded. All in favor; meeting was adjourned.

Post this Work Session, the members voted to schedule an extra meeting on September 24, 2026, at 4:00 p.m.