Bath Township Zoning Commission

Workshop Meeting Minutes Approved: 10-28-2026

Date: September 24, 2026

Time: 4:00 p.m.

1. Call to Order/Roll Call

The Township Zoning Commission workshop meeting was called to order on September 24, 2026. Chair Marshal Pitchford, Vice Chair Emily Hete, Joy Kosiewicz, Tyler Bolanz, Legal Counsel Bob Konstand, Planning and Zoning Director Bill Funk. Richard Bradner, Kyle Craven, Kristin Sanchez and Nanci Noonan were excused. A quorum was established. Residents Joanne Alexander and Michael Ackermann were in attendance.

2. Chairman led the Commission in the Pledge of Allegiance

3. Approval September 10, 2026 Minutes – Motion to approve made by Mrs. Hete; seconded by Mrs. Kosiewicz. The motion carried following a voice vote, with no opposition recorded.

4. New Business: None. The Commission continued the review of the updates.

Bill Funk led the Commission through the proposed revisions to Article 3, Review Procedures, beginning on page 15 of the draft zoning resolution. The Commission reviewed proposed language, discussed areas requiring clarification, and identified provisions for further review.

Section 3.02 — Exemptions (A) Agricultural Use Exemptions

The Commission began reviewing the agricultural use exemption language and the proposed revisions addressing the relationship between township zoning regulations and the Ohio Revised Code (ORC). Members questioned whether the zoning resolution should identify specific ORC section numbers or refer to the applicable provisions of the ORC. Concerns were raised that specific section numbers could become outdated if the state legislature amended or renumbered the statutes. The discussion favored referring to the ORC rather than listing individual section numbers. Members also questioned the wording used to describe agricultural buildings and structures. The terms “incidental” and “incident to the use” were discussed because the language in the ORC differs from the wording in the existing zoning resolution. Members expressed concern that imprecise wording could unintentionally broaden or narrow the exemption. The discussion included the statutory treatment of buildings or structures used for agricultural purposes, including certain buildings used primarily for the vending and selling of wine in connection with viticulture.

Members then considered whether the resolution needed to restate the detailed agricultural exemptions found in state law, including provisions involving:

- Agricultural uses on qualifying parcels.
- Farm markets and agritourism.
- Animal and poultry husbandry.
- Biodiesel and biomass energy production.

- Methane gas and other energy production activities.

Several members felt that much of the existing language duplicated the ORC and could create inconsistencies if state law changed. The Commission also discussed the extent to which township zoning authority applies to these activities and whether requirements, such as structure size or parking areas, may still be regulated under applicable statutory provisions.

The general preference was to simplify the agricultural exemption provision by referring to the applicable ORC requirements rather than reproducing extensive statutory language in the zoning resolution. However, members recognized that the extent of the township's remaining regulatory authority requires further examination and discussion with Wendy. The Commission did not finalize the replacement language.

Follow-up

- Revisit the agricultural exemption provisions as a whole.
- Determine which statutory exemptions should be addressed by a general ORC reference.
- Identify any specific standards the township is authorized to regulate and wishes to retain.
- Confirm the wording against current state law before incorporating it into the final draft.

Section 3.03 – Common Review Requirements - The Commission reviewed the remaining proposed changes to the review procedures. Bill Funk noted that flowcharts would be added to illustrate the various application and review procedures once the substantive revisions had been finalized. The Commission supported continuing the review of the written procedures before preparing the final flowcharts. The intent is to make the process easier for applicants, staff, and reviewing bodies to understand.

The Commission reviewed a proposed provision addressing false or misleading information (on Page 16 – (f)) submitted by an applicant. Members questioned who should have authority to reject an application when inaccurate information is discovered. Depending on the stage of review, the issue could be identified by the zoning department or by a board reviewing the application. The Commission discussed language that would provide for rejection by the zoning department and/or the applicable zoning board.

The following wording was read during the meeting as a proposed revision:

"Upon the discovery of any false or misleading information that is submitted or supplied by an applicant on an application, that application shall be rejected by the zoning department and/or the applicable zoning board."

Members discussed whether "applicable zoning board" would adequately address the different boards and review stages. The Commission favored identifying the responsible reviewing authority rather than leaving the provision open-ended. The final wording was not conclusively established and requires confirmation during drafting.

Submission Schedule (5)- The Commission reviewed the submission schedule provisions on page 17.

A member noted that the sentence addressing the zoning inspector's authority to establish submission requirements appeared incomplete or grammatically unclear. The Commission discussed revising the sentence to clarify that the zoning inspector is authorized to establish the initial requirements and may amend or update them, as necessary.

Members also questioned the use of the word "determined," expressing concern that it introduced unnecessary ambiguity regarding who was responsible for making a determination. The Commission agreed to remove "determined" from the applicable subsection and simplify the wording. The final sentence should clearly identify the zoning inspector's authority to establish and update submission requirements.

Application Contents -The Commission discussed whether an applicant whose application is rejected could immediately submit another application. Members distinguished between an application rejected because of deficiencies or misleading information and an application denied by the BZA following a hearing. The discussion noted that the zoning resolution already addresses application fees, including circumstances in which fees are nonrefundable. A new application would require a new filing and payment of the applicable fee. Members questioned whether any waiting period or "cooling-off" period should apply. The discussion did not establish a new restriction on resubmission.

The distinction between filing a new application and reapplying after a substantive denial by the BZA was also discussed. Members noted that those situations involve different procedural considerations. No additional restriction on resubmission was adopted. The existing fee and application procedures should be reviewed for clarity and consistency.

Pre-Application Conferences and Meetings - The Commission engaged in an extended discussion of the proposed pre-application provisions on pages 17 and 18. The proposed language addressed pre-application conferences and meetings involving the zoning inspector, the Architectural Review Commission (ARC), the Zoning Commission, and the Board of Zoning Appeals (BZA).

Members discussed the value of allowing applicants to present a proposed project before filing a formal application. Early discussion can help applicants understand zoning requirements, identify potential issues, and adjust plans before incurring substantial design and application costs. Members described these discussions as a form of concept review that permits an applicant and reviewing representatives to exchange information and obtain preliminary feedback. The Commission generally recognized the value of this process, but members emphasized that the procedures and roles of the different boards must be clearly defined. Members discussed whether the terms "pre-application conferences" and "pre-application meetings" should have separate meanings. The discussion considered distinguishing administrative conferences with the zoning inspector from meetings involving a board or commission. Members noted that using both terms inconsistently could create confusion about who may participate and what procedures apply.

Bill Funk suggested that the section might be simplified by concentrating on meetings involving boards and commissions and addressing routine administrative conferences separately. The Commission did not finalize the structure or definitions.

The most extensive discussion concerned the BZA's role in pre-application meetings. Members expressed concern that BZA members who discuss a proposed project before a formal application could later face questions about bias or impartiality when the same project comes before them in a

quasi-judicial proceeding. Examples included members asking questions during preliminary site visits or expressing opinions that could be interpreted as indicating a position on a future application.

Other members cautioned against imposing unnecessarily restrictive rules that would prevent BZA members from attending public meetings or learning about proposed projects.

The Commission discussed several possible approaches, including:

- Prohibiting the BZA from convening or conducting a pre-application meeting.
- Permitting BZA members to attend other public meetings concerning a proposed project.
- Avoiding a blanket prohibition on participation that could treat even a routine factual question as disqualifying.
- Clarifying how questions from board members should be handled during preliminary discussions.

One proposed approach was to state that the BZA may not convene or conduct a pre-application meeting as defined in the resolution, while clarifying that this restriction does not prohibit BZA members from attending other public meetings concerning the project. The members also discussed whether questions from BZA members at preliminary meetings should instead be directed through the zoning inspector or other township staff. This was discussed as a possible administrative practice rather than a finalized provision of the resolution.

(E)(3) With respect to the role of the ARC and Zoning Commission, members discussed whether the ARC and Zoning Commission should be permitted to offer preliminary feedback during pre-application meetings. The discussion recognized that feedback may help applicants modify their plans before submitting an application. Members also noted that preliminary feedback should not be confused for a formal decision or guarantee of approval. Bill Funk emphasized the need to distinguish the ARC and Zoning Commission's advisory or planning-related discussions from the BZA's quasi-judicial responsibilities. Members identified additional wording requiring review, including the use of "actual application," "formal application," "project," and "concept."

The Commission also questioned whether the proposed language was attempting to regulate every type of preliminary discussion or only formal pre-application meetings established under the resolution. The Commission concluded that the pre-application section required a broader review rather than isolated word changes. Members supported the general concept of early project review but wanted clearer definitions, procedures, and distinctions between the roles of staff, the ARC, the Zoning Commission, and the BZA.

Follow-up

- Review the entire pre-application section with Wendy.
- Clarify the difference between conferences with the zoning inspector and meetings involving boards or commissions.
- Define the scope and purpose of concept review.

- Clarify the BZA's role and address concerns about impartiality and future quasi-judicial proceedings.
- Ensure that preliminary feedback is not confused with a formal approval or binding decision.

(F) Computation of Time - The Commission had no substantive changes.

Conduct of Public Hearings and Public Meetings - the Commission reviewed proposed language governing public hearings and public meetings. Virtual meetings - members discussed language addressing meetings conducted virtually when authorized by state law or township policy. The discussion noted that applicable law may permit appointed public bodies to meet virtually when the necessary policy has been adopted. Members discussed the possibility of a single policy adopted by the Board of Township Trustees that would apply to the township's boards and commissions. No policy was adopted during this workshop. The provision should be checked against current state law and the township's actual policy framework.

Members reviewed language allowing an applicant to appear through an authorized representative or provide written comments in advance of a meeting or hearing, subject to applicable legal limitations. Bill Funk raised an operational example involving a sign application reviewed by the ARC when the applicant does not attend. The discussion addressed the possibility of the zoning inspector presenting information or written materials where permitted by the applicable procedures. The Commission discussed retaining flexibility for straightforward matters while ensuring that the language does not conflict with requirements imposed by state law. In addition, members noted inconsistent capitalization of references to state law and discussed standardizing capitalization throughout the resolution (ie. State vs state).

Regarding attendance by members of other boards, the Commission returned to concerns about board members attending meetings concerning matters that could later come before their own board. Members discussed whether observing a virtual meeting could allow a board member to obtain information without directly participating. Others suggested that, where clarification is needed during a site visit or meeting, the board member could direct the question through the zoning inspector. The discussion distinguished preliminary concept-review meetings from site visits conducted after an application has been filed and as part of a formal hearing process. Bill Funk emphasized the need to establish clearer guidance concerning the purpose of pre-application meetings, the roles of participating boards, and appropriate practices for avoiding actual or perceived bias. The Commission did not establish a final participation policy. Members agreed that the pre-application and board-participation provisions required further review and that any guidance should reflect the different functions of the ARC, Zoning Commission, and BZA.

(3) Public Notice Requirements - The Commission reviewed the public notice provisions on pages 18 and 19.Members discussed how the resolution should address notice requirements established by the ORC and any applicable township procedures. The discussion included whether notice provisions specific to BZA hearings should be separated from the general review procedures and placed in the sections governing those hearings. Members also discussed the need to ensure that the resolution refers consistently to compliance with applicable state requirements and avoids unnecessary duplication. The proposed notice language should be reviewed for consistency with current state law and township procedures. No separate notice policy was adopted during the workshop.

Rights of All Persons at Public Hearings - The Commission reviewed provisions addressing the rights of persons participating in public hearings. No separate substantive decision was recorded on this subsection.

Effects of Approvals - The Commission reviewed new language concerning the effect of approvals, permits, and certificates issued under the zoning resolution. Members discussed the need to clarify that an approval applies only to the specific development, alteration, construction, or use covered by the application and is subject to the conditions imposed as part of that approval.

Concerns were that conditions sometimes are discussed during a hearing but are not fully incorporated into the final motion. Members noted that this issue can arise during BZA proceedings, particularly after lengthy hearings. Members discussed the importance of including all applicable conditions in the motion or formal approval rather than relying on informal discussion during the hearing. Several wording alternatives were considered. The discussion favored language stating "The issuance of any approval, permit, or certificate under this resolution shall authorize only the specific development, alteration, construction, or use as approved in the subject application and shall be subject to any specific conditions."

A resident raised previous BZA decisions involving exceptions and variances as an example of applicants presenting prior decisions to support their requests. Other members noted that the legal effect of prior decisions cannot necessarily be eliminated by local resolution language and that attempting to do so could create legal risk. The Commission favored clarifying the scope of individual approvals and explicitly recognizing applicable conditions. No separate provision prohibiting the use of prior decisions as precedent was adopted. The final wording should be checked to ensure that it accurately reflects the conditions attached to an approval and does not attempt to override applicable legal principles.

Subsequent Development and Commencement of Work - The Commission reviewed provisions on page 20 addressing subsequent development and the commencement of work authorized under the zoning resolution. Members questioned whether the word "development" was broad enough to cover all activities that might be undertaken pursuant to an approval. The discussion considered whether the provision should also refer to improvements, construction, uses, or activities to ensure that the requirement applies comprehensively. Members favored including the term "activities" in addition to "development" and discussed using "commence" rather than "carry out" to describe when authorized work or activity may begin.

The Commission also reviewed language requiring applicants to obtain other necessary approvals before beginning authorized development. The proposed language was read as follows:

(1) "Development and/or activities authorized by any approval under this article shall not commence until the applicant has secured all other approvals required by this resolution and other applicable laws and regulations."

Members favored this formulation to address both the commencement of development and other activities, while avoiding unnecessary repetition. The Commission also discussed the following related principle **(2)** "issuance of one approval, permit, or certificate does not guarantee approval of other required permits, certificates, or applications required under this resolution."

Members favored separating this principle into a distinct sentence rather than continuing a lengthy sentence that combined several different requirements.

The Commission generally supported:

- Including both development and activities in the commencement provision.
- Using "shall not commence" to describe the restriction.
- Requiring all other approvals under the resolution and applicable laws and regulations before commencement.
- Separating the provision concerning additional approvals into a clearer, independent sentence.

The final language should be checked for consistency with other sections of the resolution.

(3) Regarding responsibility for other government permits and approvals, the Commission reviewed a provision addressing the township's responsibility for permits, certificates, and other approvals required by outside authorities. Members expressed concern that the existing language was overly wordy and could suggest that the township was responsible for reviewing the substantive compliance of approvals issued by other governments or agencies.

The discussion clarified the distinction between verifying that an applicant has obtained a required permit and verifying the technical or substantive compliance of that permit. For example, the zoning department may need to confirm that an applicant has obtained the required septic permit and that the permit corresponds to the relevant property. However, the township would not ordinarily be responsible for verifying the number of bedrooms or other technical matters governed by the issuing authority.

Members discussed replacing specific references to Summit County or individual agencies with a broader reference to other governments or agencies having jurisdiction. The following general wording was discussed near the conclusion of the review: "The township shall not be responsible for compliance with any permits, certificates, or other approvals that may be required by other governments or agencies having jurisdiction." The wording remained subject to editing to ensure that it accurately distinguishes the township's responsibilities from those of outside authorities. The Commission sought a concise provision making clear that the township's issuance of a zoning approval does not transfer responsibility for compliance with other governmental requirements to the township. The exact final sentence was not conclusively confirmed in the transcript and should be verified against the working draft.

5. Miscellaneous – none

6. Citizens comments - none

7. Next Meeting - The next workshop scheduled is Thursday, October 8th at 6:00 PM. The members discussed additional meetings and noted potential scheduling conflicts and personal commitments. The group agreed to keep the October 8th date on the calendar for the time being.

8. Adjournment - motion to adjourn was made and seconded; all in favor. The meeting adjourned at 5:37 p.m.