

York Township Zoning Commission

March 5th, 2026

The York Township Zoning Commission held their monthly meeting in the York Town Hall/Fire Department Complex on March 5th, 2026.

Eric Matyac called the meeting to order at 7:00pm.

The Pledge of Allegiance was said.

Board members in attendance were Eric Matyac, David Hull, Jonathan Steingass, Guy Roach, Lowell Wolff, and Kenneth Barco.

Guests Present:

Sara Williamson-Zoning Secretary, Nathan Kott-Assistant Prosecuting Attorney, Trustee Chris Kosman, Trustee Dennis Downey, and Richard Hill.

Minutes:

Guy Roach asked to include in the New Business section of the minutes that the new Zoning Resolution's Book was passed out to Zoning Board members. David Hull asked that OTA be identified as Ohio Township Association in the first section of the minutes. David Hull made a motion to approve the February 5th minutes. Seconded by Guy Roach. Unanimous voice vote of "Aye" was given by Board Members.

Invited Guest (Nathan Kott-Assistant Prosecuting Attorney)-

Eric Matyac began by thanking Mr. Kott for his time in coming to the meeting. Mr. Kott began with the Memorandum that was sent out July 3rd, 2025.

MEMORANDUM

TO: York Township, Zoning Commission

FROM: Nathan Kott, Assistant Prosecuting Attorney

Date: 07/3/2025

RE: Proposed Amendments to York Township Zoning Code

The York Township Zoning Commission has requested the opinion of the Medina County Prosecutor's office regarding certain proposed changes to the York Township zoning resolution.

The proposed change would change the two grandfather clauses that exist as follows:

Present resolution:

Section 206.06 Grandfather Clause

Residential lots platted as of 05/19/77 having a minimum width of one hundred fifty (150) feet at the street and at the building line are considered to be buildable lots and entitled to a zoning certificate provided they satisfy health department rules and regulations for installation of any onsite sanitary sewage systems.

...

Section 604

...

(B) When a lot of record in the R-1 Low Density Residential District, which was created and recorded prior to January 27, 2022, is nonconforming solely because of its width and/or frontage, such lot shall be considered conforming and buildable for the purposes of this Resolution and may be developed in compliance with all of the required setbacks for lots in the R-1 Low Density Residential District.

The proposed changes would eliminate Section 604(B) and restate 206.06 as follows:

A. Residential lots platted as of 05/19/77 having a minimum width of one hundred fifty (150) feet at the street and at the building line are considered to be buildable lots and entitled to a zoning certificate provided they satisfy health department rules and regulations for installation of any site sanitary sewage systems.

B. Residential lots platted as of 01/27/22 having a minimum width of two hundred (200) feet at the street and at the building line are considered to be buildable lots and entitled to a zoning certificate provided they satisfy health department rules and regulations for installation of any site sanitary sewage systems.

I. This Change May Change Some Lots From Being Buildable to Unbuildable

The new Section 206.06(B) restricts the lots that presently qualify for the grandfather clause in several ways. First, it requires the lots to be platted as of 01/27/22. The present version of this clause does not require that the lot be platted in order to qualify for the application of the grandfather clause. Second, the previous grandfather clause did not specify a 200 foot frontage at the street and at the building line to be

buildable. There are likely some lots that are buildable under the present zoning resolution that will become unbuildable without a variance in the proposed amended zoning resolution.¹

My understanding is that according to one or more members of the zoning commission this was always the intended scope of the grandfather clause enacted in Section 604(B). That is, the Zoning Commission meant to only cover lots that were legally buildable at the time of the enactment and not all lots that existed. This may have been the intent, but it is not what the zoning resolution states. Instead, the zoning resolution applies to all lots created and recorded prior to 01/27/22.

It is likely that a court would view this change as one that makes certain lots presently covered by the grandfather clause in Section 604 unbuildable. The township cannot rely on additional limitations, intended or not, of the grandfather clause that are not a part of the actually enacted zoning resolution.

II. Changing certain lots from being buildable to unbuildable carries risks.

Rendering residential lots unbuildable carries two risks. First, the property owner could claim that the zoning change is effectively a regulatory taking of the property. Second, the property owner could challenge the enactment of this zoning change insofar as it does not serve any valid state interest. The likelihood of either claim succeeding will depend on facts specific to any particular parcel, and so no conclusion may be reached here.

A. Making the Buildable Lots Unbuildable May Result in a Regulatory Taking

The change could be challenged with a claim that the change constitutes a regulatory taking insofar as the limitation goes beyond mere limitation of use and becomes a confiscation. “Zoning restrictions which attempt to totally restrict the owners in the use of their property, absent compliance with the zoning restrictions, and which render the property as it is presently situated effectively valueless without any corresponding public benefits constitute unconstitutional takings.” *Schreiner v. Russell Twp. Bd. of Trs.*, 60 Ohio App. 3d 152, 154, 573 N.E.2d 1230 (1990) syllabus. Here, it is difficult to say whether there are other practical uses for parcels in township that would no longer qualify for residential construction. However, if a residentially zoned parcel cannot be practically used for agriculture and cannot have a residence constructed on it, there is a fair argument that it is a parcel with no practical use.

There are some issues for landowners under challenging this provision. For instance, if they purchased the lot when it was unbuildable without a variance they would have a difficult time proving any damages.

B. Property Owners Could also Challenge the Change as Unconstitutional

A property owner could challenge the amendment as being unconstitutional. “In order to invalidate a zoning regulation on constitutional grounds, the parties attacking it must demonstrate, beyond fair debate, that the zoning classification denies them the economically viable use of their land without substantially advancing a legitimate interest in the health, safety, or welfare of the community.” *Columbia Oldsmobile, Inc. v. City of Montgomery*, 56 Ohio St. 3d 60, 62, 564 N.E.2d 455, 457–58 (1990).

¹ The new grandfather clause is slightly broader insofar as it includes all residential lots, which would include both R-1 and R-2 districts. Whereas the present clause only covers R-1 Districts. However, looking at the zoning map very few lots are with R-2 districts, so there is likely no real broadening effect here.

Again, whether an owner is denied economically viable use of a particular parcel is a question that will depend on the specific parcels at issue here. In a general sense, York township will be better positioned to respond to this challenge the more that the presently existing lots conform to the stated standards. If the lot matches the size of lots which were built on in the neighborhood then it may be challenging to claim that the limits on the grandfather clause substantially advance a legitimate interest in the health, safety, or welfare of the community.

C. Restricting the scope of the grandfather clause may yield a large number of applications for variances.

Additionally, the Commission should consider whether this grandfather clause will yield a large number of requests for a variance. And if so, whether those requests should be granted. The standards for considering such a variance would be:

- (1) whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) whether the variance is substantial;
- (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4) whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- (5) whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

K. Hovnanian Oster Homes, LLC v. Lorain Zoning Bd. of Appeals, 2015-Ohio-5317, ¶ 9. If a large number of the lots that would change to being unbuildable under this amendment would also likely qualify for a variance there is some reason to question what is accomplished other than making property owners ask for a variance.

D. Other Changes

Change to 205.03 – This change deletes the word stored in favor of parked. I do not see any problems with this proposed change.

Change to 205.09 – this changes the heading substituting Outdoor Displays Prohibited for Business Activities. The change also adds “machinery, vehicles,” to the list of items that need to be stored within an enclosed building. I do not see any problems with this proposed change.

Change to 301.11.A.1 – This adds a requirement that no more than four vehicles may be regularly parked outside and only on driveways or hard surfaces. Instead of “hard surfaces” I would recommend changing it to “all weather driving surfaces” as defined by 205.18.A. If we allow gravel driveways, I do not see a reason to prohibit parking on gravel spaces.

Change to 301.13 – this adds an accessory building square footage limit for R-1 lots. There are no additional issues here other than the potential for a challenge as described above with respect to the grandfather clause.

Change to 902 – this change eliminates energy costs from the definition of “Natural Feature”. I don’t see any issues with this change.

Change to add definition of “STORAGE:” – I do not see any language issues with this change. Though I would add it does encourage some degree of gamesmanship. A person could avoid the scope of this definition so long as they moved the item four times a year. Though, I do not think there is anyway to draft such a provision without running into this issue.

III. Conclusion

The proposed amendment presents no significant application or interpretive issues. However, it does carry risks that it may be challenged since it may have the effect of rendering certain lots unbuildable. We cannot state whether these challenges, should they manifest, are likely to be successful or unsuccessful at this point. Accordingly, York Township should consider what parcels are likely to be affected by such an amendment and if that is worth the additional risk of the zoning change.

Lowell Wolff gave the reasoning for change to 604B to Mr. Kott. Mr. Wolff and Mr. Kott proceeded to go back and forth on the verbiage and meaning of the verbiage. Mr. Wolff asked if the Board should just take out the change. Mr. Kott replied that that decision was up to the board and that he was there to simply explain risks. Kevin Comes said that there are 5 parcels that would be affected by this change.

Richard Hill made a comment about when he was on the Board of Zoning Appeals (BZA) in the 1980’s and the code was 200 ft frontage. A resident wanted to build on their purchased lot that has a 150 ft frontage which was denied by the BZA. The resident appealed the decision in court, and the court decision was for the resident because at the time of the recording for the lot, the frontage requirement was 150 ft.

Eric Matyac moved the meeting on by asking Mr. Kott about his thoughts on the definitions of Lot vs. Parcel. Mr. Kott gave his thoughts on the subject.

David Hull asked Mr. Kott about Air BnB’s and recreational vehicle storage. Mr. Kott said that he had an instance in Westfield about recreational vehicle storage. Multiple conversations about storage took place between board members and Mr. Kott.

David Hull asked Mr. Kott about solar farms. Mr. Kott said that he has heard that solar farms are bigger in southern Ohio. He went on to say that he hasn’t heard of anything up here.

Kenneth Barco asked that if we take our current wording of 205.09 and the Mallet Creek district, is there any problem if our township does not comply with the Resolution? Mr. Kott replied that we could be seen as selectively enforcing the zoning resolution.

David Hull asked about a golf course and the outside storage. Mr. Kott replied that this would fall back to Outdoor Storage and Business Activities.

Correspondence:

There was no correspondence.

New Business:

There was no new business.

Zoning-Kevin Comes, Zoning Inspector:

- Administration-
 - Last month I went to OTA and took a few classes on Zoning Law updates and short-term rentals, comprehensive plans, maintenance and parks.
 - Short Term Rentals
 - Must differentiate between long-term and short-term rentals
 - Less than 30 days
 - Differentiate between regular rentals
 - What do we want to allow & prohibit?
 - Complaints vs. Inspections
 - Can't cap or limit
 - Write specific to short-term rentals don't rely on previous code
 - Medina County will have a Short-Term rentals workshop in June.
- **Zoning**
 - We have had 6 new permits so far this year.
 - 2 New homes this month
 - We have no new Variance requests for the BZA, the March 12th meeting is cancelled.
- Maintenance
- **Roads**
 - Update on **Salt** status:
 - We received our last order of salt, 147 tons, last week
 - Used to around 400 tons of salt this season so far
 - Received 747 tons total this year.
 - We have about 340 tons of salt left in the barn
 - Since we went into a Salt conservation mode, we had done well to preserve what we have and should have plenty for the rest of the winter.
- Parks
 - Working on events for AM 250
 - Party in the park with fireworks on June 27th
 - New Veterans honor roll garden going in near Gold Star

- Working on a grant for walking paths around the pond

Old Business:

There was no old business.

Adjournment:

Guy Roach made a motion to adjourn. Seconded by Jonathan Steingass. Unanimous voice votes were made by the board. Meeting adjourned at 8:20pm.

Eric Matyac-Chairperson

Sara Williamson-Zoning Secretary