

## PARKMAN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting of September 10, 2013

Members present: Cindy Gazley, Jon Ferguson, and Kathy Preston

Members not present: Jo Lengel, Rich Hill, and Lucinda Sharp-Gates

The meeting was called to order by Cindy Gazley at 7:30 p.m.

### **Approval of Minutes**

Jon Ferguson made a motion seconded by Kathy Preston to approve the Parkman Township Board of Zoning Appeals June 11, 2013 regular meeting minutes as presented. Motion carried unanimously.

### **Old Business**

- Board of Appeals Deliberations-Upon members' request at last BZA meeting, Cindy Gazley consulted Rebecca Schlag-Geauga County Assistant Prosecuting Attorney for advice regarding whether Board of Zoning Appeals members could hold deliberations in private. Today, the Board reviewed her email response that the hearings themselves are open to the public, but deliberations are not subject to the Sunshine Law. She also indicated that private deliberations of BZA are not termed an "executive session". After the public portion of the hearing the Board of Zoning Appeals could announce that it will privately deliberate if it chooses to do so. However, she cautioned BZA to keep in mind that the public will find objection to private deliberations, even though they may be lawful. As such, it should be the exceptional case which requires private deliberations.

The Board discussed the option of deliberation in private. Jon Ferguson felt the Board should do as much in public as possible. Cindy Gazley agreed and thought the private deliberation should be an exception rather than a rule. Kathy Preston expressed a concern that there would be more objections from the public if the Board was not consistent with the decision to deliberate in private or public. She also indicated that members may be able to speak more freely if deliberations were in private. Jon Ferguson pointed out that most area variances are not very complicated, but a more complex or complicated request could require additional discussion. Cindy Gazley suggested that if a member felt deliberations ought occur in private, the member could make a motion to have the deliberation in private and a vote would be taken. It was decided to table this decision until the other members are present. In the meantime if a member wants to, they can make a motion to deliberate in private for more in depth discussion and this will have to be explained to the appellant. Renee Patry-Secretary asked if notes should be taken during private discussions and it was decided that a record of what happens at the meeting is required, so recording should be done and any action or vote needs to be in public session.

- Northeast Ohio Planning and Zoning Workshop-Jon Ferguson and Kathy Preston attended the workshop in June. Kathy Preston reported that she attended a session in regards to electronic record keeping which was interesting but would be more applicable in a larger community. She also attended a session on Social Effects of Oil and Gas Drilling. She said this was interesting information because of fracking. She reported that they are finding that it brings in transient jobs. The companies bring in their own employees so rent increases, and temporary housing is built to accommodate the temporary workers that are brought in. This can lead to more homeless because permanent renters can't afford the increased rent prices, burdens on emergency services, and schools because of the sudden increase of temporary workers and families. Then when the company workers leave, there are more homeless, and some businesses close. There can also be damage to roads although there are some requirements for impact fees.

Kathy also attended a session on Logging in a Community. She said that they indicated that if certified Master Loggers are used, they have been educated in the proper repair after harvesting.

Jon Ferguson reported that they attended Court Cases Effecting Planning and Zoning in which they presented several Court Cases for examples. They indicated that most cases involved health and safety. Jon Ferguson also attended a seminar on the census and found it interesting what could be found out using the census data such as growth rate in a community.

- Auction Business-The large building at the corner of Nash and Newcomb Road was discussed. Kathy Preston reported that there have been several advertised auctions at the location. She said that during a recent horse action there was increase of road traffic for 2 hours before and after the auction. She said that the cars have been parking in the field and not on the road, but there were concerns about parking in the winter and wet weather. Jon Ferguson reported that Rebecca Schlag, APA and John Spelich-Zoning Inspector had an appointment to visit the building yesterday in order to check on usage the owner is claiming as agriculture. Jon Ferguson indicated he had attended Safety Day at the building. He said the building appeared to be well built. He said that Courtney Sanders has visited in regards to Fire Inspection but Jon did not know if the building has met all the requirements. It was discussed that one of the problems facing Zoning is people building without zoning approval or outside of the code until they get caught. Cindy Gazley suggested more aggressive enforcement.

## **New Business**

- Zoning Commission Resolution-Renee Patry-Secretary reported that the Zoning Commission would be having a public meeting on September 24, 2013 for proposed Resolution 2013-1 regarding Conditional Use for Towing.
- Joint Meeting-A Joint Meeting of the Zoning Boards, Trustees, and Zoning Inspector will be October 22, 2013 at 7:00 p.m. Cindy Gazely asked what was to be discussed at the meeting. Jon

Ferguson indicated it would be about the open issues from the last meeting. The minutes of the last joint meeting were reviewed and the following issues were considered open: Rich Hill question about the personal liability of Board of Zoning Appeals Members, Amish representation on the Board, Home Occupation building size on 10 or more acres of land, In-law Suites, and Conditional Use renewal every 5 years and why a resident must pay every five years to renew a Conditional Use Permit.

- Byler Public Meeting-Renee Patry-Secretary reported that in October there will be a public meeting for Public Discussion of the Byler Judgment Entry.
- Conditional Use-Kathy Preston asked how many Conditional Uses there were in Parkman. Cindy Gazley and Jon Ferguson indicated all Conditional Uses had been reviewed approximately two years ago and thought maybe there are 20 active ones. Cindy Gazley said that she thought Connie Hasman past Zoning Secretary had come up with a matrix for the Conditional Uses. The secretary will see if it can be found.
- Conditional Use-Cindy Gazley reported that she had received a phone call from the Zoning Inspector. He asked if the Board of Zoning Appeals would have to hear an appeal for Conditional Use if the use was subject to conditional use permit historically, the use on the property was discontinued, the Zoning resolution changed such that the use is now permitted without a CU permit, and now the property occupant wants to begin the use which was previously subject to a permit requirement. is a Permitted Use now, not subject to CU. Cindy Gazley reported that she thought there would not be a need to come before the Board of Zoning Appeals, and asked if any members objected to this. There were no objections.

## **Adjournment**

A motion was made by Jon Ferguson and seconded by Kathy Preston to adjourn the meeting at 8:29 p.m. Motion carried unanimously.

Respectfully Submitted,

Renee Patry

Secretary

Approved,

Cindy Gazley

Chair, BZA

