

PARKMAN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting

March 12, 2013

Members present: Cindy Gazley, Jo Lengel, Rich Hill, Jon Ferguson, and Lucinda Sharp-Gates

Members not present: Jerry Jacobs

Others present: Zoning Secretary-Renee Patry

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

Old Business

- Approval of minutes-Jon Ferguson made a motion seconded by Jo Lengel to approve the February 12, 2013 meeting minutes as amended. Vote as follows: Cindy Gazley-yes, Jo Lengel-yes, Rich Hill-yes, and Jon Ferguson-yes. Lucinda Sharp-Gates abstains because she was not present at the February 12, 2013 meeting.
- Zoning Resolution-New copies of Zoning Resolution were distributed to all members present. Rich Hill asked about the status of placing the Zoning Resolution on the web site for the public. The Zoning Secretary is waiting for the articles to be scanned at the printers so it can be placed in PDF format on the web site.
- Allen Weaver Appeal-A letter was presented to the Board indicating that a case Allen E. Weaver VS Parkman Township Board of Zoning Appeals has been filed with the Clerk of Court of Common Pleas in Geauga County. The Zoning Secretary will send the transcript of original papers, testimonies and exhibits and evidence offered, heard and taken into consideration in issuing the final order denying the appeal of Allen E. Weaver to the Geauga County Prosecutor Office-Rebecca Schlag, APA, so it can be filed with the Court.

Zoning Secretary reported that at the last Zoning Commission meeting there was a question regarding the number of buildings already present on Mr. Weaver's property.

A member of the community attended the Board of Zoning Appeals meeting when Mr. Weaver's area variance was heard. He indicated that when listening to the proceedings he thought that the Board of Appeals was not aware of the amount of buildings on the property. Today, the members of the Board of Appeals reviewed the map submitted by Mr. Weaver and used the computer to view the property and found that there were additional buildings on the property that were not on the map submitted for the appeal by Mr. Weaver.

As a general point, Cindy Gazley had consulted with Rebecca Schlag, APA to see if there was a way to verify facts in Zoning Variance Applications submitted for an appeal to the Zoning Resolution. She asked if a statement could be added to the Township Variance Applications in which the applicant/owner gives permission for the Zoning Inspector to enter the property and buildings at reasonable times with advance notice for the purpose to verify information contained in the application and the compliance with the proposal in the application once construction is completed. Cindy Gazley said Rebecca Schlag, APA replied that probably it is not unlawful to add this to a Zoning Application, but felt it would be unseemly. Cindy Gazley said that Ms. Schlag indicated the Zoning Inspector can ask to enter the property and report his findings to the Board of Zoning Appeals, and if the owner refuses access, the ZI can report that to the BZA as well. The Zoning Inspector is also permitted to observe the property from neighboring properties.

After some discussion it was decided that the Board of Zoning Appeals recommend that the Zoning Inspector consider adding something in writing to the Zoning Applications to allow him to visit the property and buildings with prior notice when a request for an Appeal is filed. Something in writing was suggested for the protection of the Zoning Inspector. It was also decided that the Board of Zoning Appeals would ask the Zoning Inspector if he has been out to inspect the property when an appeal is heard.

- Ben Byler Appeal-Cindy Gazley asked the status of the Ben Byler Court case. Renee Patry reported that the Board of Trustees is scheduling a meeting with Mr. Byler, his attorney, and Parkman council and Ms. Schlag.

New Business

- Mr. David Kurtz Appeal-Cindy Gazley reported that there may be possible appeal coming up for Mr. Kurtz who has a food salvage store he would like to expand.

- Ray Mast-Jon Ferguson reported that at the last Board of Trustee meeting the Zoning Inspector report indicated the potential of several appeals regarding the Ray Mast property, Mr. Ferguson believes it is on Dead End Shedd Road.
- Education Seminar-The Board members were given an invitation to an educational seminar on March 23rd, 2013 at 8:30 a.m. until noon at the Nelson Community House given by Mr. Mark Finamore.
- Joint Zoning Department and Board of Trustee meeting-The Board was informed of a possible meeting of the Zoning Board of Appeals, Zoning Commission, Zoning Inspector and Board of Trustees. The date of April 23, 2013 was indicated as a possible date, but this date has not been confirmed at this time. The purpose of the meeting is to coordinate communication between BZA, Zoning Commission and Trustees.
- Next Board of Zoning Appeals meeting-The Board of Zoning Appeals will meet April 9, 2013 at 7:30 p.m. if there are appeals to be heard. Lucinda Sharp-Gates told the Board she will be unable to attend this meeting because of a prior commitment.

Adjournment

Jon Ferguson made a motion seconded by Lucinda Sharp-Gates to adjourn the meeting at 8:00 p.m. Motion carried unanimously.

Respectfully Submitted,

Approved,

Renee Patry

Cindy Gazley

Zoning Secretary

Chair