

## PARKMAN TOWNSHIP JOINT MEETING ZONING BOARDS AND TRUSTEES

October 22, 2013

The joint meeting of the Parkman Township Trustees and Zoning Boards was called to order at 7:03 p.m. In attendance were Trustee-Nancy Ferguson, Zoning Commission Members-Carlos Nieves, Scott Villers, James Vaughan Jr., Jerry Jacobs, Paul Nalepa, and Leonard Hall, Board of Zoning Appeals Members-Cindy Gazley, Jon Ferguson, Kathy Preston, and Jo Lengel, Zoning Inspector-John Spelich, Secretary-Renee Patry, Robert T. Kramer, Diane Ryder, Dennis Ikeler, Dan Miller, Noah J. Miller, Jonas S. Yoder, and Alan Preston.

Members of the Zoning Boards, Trustees, Zoning Inspector, and Secretary were introduced, and handouts of Ohio Zoning Law and Agricultural Land Use, and the minutes of the April 23, 2013 meeting were distributed.

### Old Business

- Personal Liability of Boards-Nancy Ferguson reported that she consulted with the Geauga County Assistant Prosecutor about the question raised by Rich Hill in the April 23, 2013 meeting regarding personal liability of Board members. She said that a person on the Board acting in good faith with no conflict of interest should have no personal liability. Nancy Ferguson said she would send this information to Rich Hill.
- Amish Representation on Zoning Commission and Board of Zoning Appeals-There are openings on both Boards of Zoning. Members of both Boards expressed interest and encouragement for persons to serve on these Boards. Improving communication between Amish and Zoning Boards was discussed. One suggestion was having a contact person to relay information the Amish community. Scott Villers said that Zoning Commission meetings are open, and told the public that they could always come to a Zoning Commission meeting to express any concerns. Jonas Yoder indicated he thought communication is the biggest problem. Cindy Gazley asked what steps the Boards could take to find someone to be a contact from the Amish community for the Zoning Boards. There were no suggestions for this from the public. Mr. Yoder suggested more informal meetings with more people in the area. Carlos Nieves asked if there were any state mandates that the Zoning meetings be held at the Town Hall. Nancy Ferguson said that if the meeting was published in the newspaper in advance it would be possible to hold them at another location. Jon Ferguson suggested that maybe the incoming Trustees should sit down and discuss how to bring the Boards and the Community together as a group.
- Home Occupation Area related to lot size-Carlos Nieves indicated the Zoning Commission has had conversations concerning this and continued discussion regarding acreage and home

occupation building size. Jon Ferguson asked why two 2500 square foot buildings are allowed on a lot 10 acres or more and only one can be used for Home Occupation. He asked why there could not be one 5,000 square foot building. Members from the Board of Zoning Appeals indicated they receive several request for larger size buildings for Home Occupations. The area of Home Occupation and number of persons working at the business were discussed in regards to Home Occupation verses a full size business. Carlos Nieves indicated the Zoning Commission would have further discussion about this and that there has been discussion at their meetings about adding additional Home Occupations to the Home Occupation list in the Zoning Resolution. He said that firewood, salvage, and variety store have been discussed. Nancy Ferguson said that Home Occupations were an ever changing list as different businesses evolve. In answer to a question from the public, the Zoning Commission members indicated it takes approximately 6 months to go through the process of making a change to the Zoning Resolution. When asked why there is a list of Home Occupations, Kathy Preston indicated it is to protect homeowners in a residential area in regards to health and safety. She used the example of a Chemist setting up shop to mix chemicals as a Home Occupation and that maybe that would not be a good thing to have in a residential area. Carlos Nieves briefly explained the process of making a change to the Zoning Resolution. Len Hall indicated the Zoning Commission is willing to have special meetings to move the process along, but there are time requirements to allow for public meetings for proposed changes.

- Clarification of Zoning Regulation in regards to Accessory Buildings-Jon Ferguson indicated there was a question raised in an appeal regarding the square footage of an accessory building. The Board of Zoning Appeals asked if the 2500 square footage is measured on the whole building size, or just the footprint of the building. James Vaughan referred to Section 402.10 (N) (3) in the Zoning Resolution which restricts the maximum height of a building to 15 feet. The Zoning Commission will review this.
- In-Law Suites-Nancy Ferguson indicated many other communities are dealing with in-law suites throughout Geauga County. She indicated when the economy is bad it can cause families to have to move back together. The question of what happens to the building when it is no longer needed was raised. The Zoning Commission said they have had discussions related to the in-law suites in regards to what happens after the building is no longer needed. They indicated there are also regulations from Geauga County in regards to septic system and whether a second house can be tied in or not. One potential problem mentioned was with two houses on a lot when the owner of the property goes to sell the property they may want to split the lot. Jon Ferguson indicated he remembers two appeals before the Board of Zoning Appeals related to separate houses on one lot.
- Conditional Use Permits-A question from the April 23, 2013 Joint Zoning Meeting regarded a requirement that Conditional Use Permits be renewed every 5 years causing the resident to come before the Board of Zoning Appeals and pay 250 dollars. Jon Ferguson questioned why

they would need to do this if they were following the conditions. He asked if the Zoning Commission would evaluate taking this out. Cindy Gazley indicated that the wording of the Zoning Resolution says that the Conditional Use Permit may contain this requirement, but does not say it must be required. She indicated the criterion is there to evaluate this on a case by case basis for review every 5 years. Jon Ferguson said that in a Zoning Seminar he attended they said that a Conditional Use runs with the land.

- Agreed Judgment Entries-Nancy Ferguson briefly reviewed the process of how a case comes before the Board of Trustees and results in an Agreed Judgment Entry. She indicated that in the case of Ben Byler the Board of Trustees entered into an agreement with Mr. Byler that he can have no more expansion, and he was required to donate 1000.00 dollars to Habitat to Humanity. In the case with Mr. Al Weaver, Nancy Ferguson said the Trustees agreed to allow Mr. Weaver to keep his building with the condition that he tear down an accessory building on his property within one year. When asked Nancy Ferguson said that Mr. Weaver's new building is approximately 6000.00 square feet and the building he is required to take down is approximately 4500 square feet.
- Agricultural vs. Commercial/Industrial in Agricultural/ Residential Area-Nancy Ferguson indicated there is a question about the definition of agriculture. She said there was information on this in the handout distributed to the public and the members.

### Updates

- Board of Zoning Appeals-Cindy Gazley-Chair of the Board of Zoning Appeals reported that the BZA hold meetings when they have an appeal and since April has had one appeal. She indicated in response to a question raised at the April 23, 2013 Joint Meeting the BZA has changed the voting process for an appeal. They will not vote until all members are ready to vote, and the secretary will call the roll for the vote changing the order each time. She also said the BZA would really like additional members, and asked if anyone was interested to please let the Board of Trustees know.
- Zoning Commission-James Vaughan indicated he appreciated the input from the other members and the public and finds the process helpful. Paul Nalepa indicated he appreciates the concerns and input from the Amish and suggested the meetings could be scheduled earlier in the day to make it easier for more people to attend. Mr. Yoder said communication is important and there is a need to sit down together.
- Zoning Inspector Report-Mr. Spelich said he appreciated the input from the Zoning Commission and Board of Zoning Appeals. He read a report on Zoning Permit/other activity in the Township this year.
  1. New Home Start-Ups-8

2. Additions-5
3. Land Splits-24
4. Porch and deck-6
5. Accessory Buidlings-9
6. Fence Permits-3
7. Signage permits-5
8. Reality Information-10
9. Non-Compliant/Complaints-20 plus
10. Home Occupation-4
11. Federal Gun Law-1
12. Several Property Line Requests.

Mr. Spelich also reported that in September the Geauga County Assistant Prosecutor and himself toured the property of Buster Miller and determined that the large building use is agricultural.

Public Comments

- Mr. Preston said that since the large building of Mr. Miller has been built it has changed the traffic patterns on Nash Road. He said there has been an increase in traffic what an event is held. He said that Zoning should be aware and must consider the change of traffic patterns.
- Proposed Lot Split-Mr. Miller indicated he is considering a lot split that may not conform to Zoning Regulation lot size of 2.5 acres. He indicated he may have to appeal to the Board of Zoning Appeals.

Summary and Proposals from the Boards

Nancy Ferguson encouraged the Boards to have a joint meeting again next year. A community meeting quarterly was suggested. Several ideas for a better spot to have the meeting were suggested including Buster Miller’s building on Nash Road.

Carlos Nieves said the next meeting of the Zoning Commission would be held on Wednesday November 20, 2013 at the Community House at 7:00 p.m.

Adjournment

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Approved,

Renee Patry

Carlos Nieves

Cindy Gazley

Secretary

Zoning Commission

Board of Zoning Appeals

