

PARKMAN TOWNSHIP ZONING COMMISSION

PARKMAN TOWNSHIP JOINT MEETING ZONING BOARDS AND TRUSTEES

April 23, 2013

The joint meeting of the Parkman Township Trustees and Zoning Boards was called to order at 7:00 p.m. In attendance were Trustees-Kevin O'Reilly, Nancy Ferguson, and Donald Villers, Zoning Commission Members-Carlos Nieves, Scott Villers, Leonard Hall, James Vaughan, Jr., Deborah Wilson, and Jerry Jacobs, Board of Zoning Appeals Members-Cindy Gazely, Jon Ferguson, Rich Hill, Jo Lengel, and Kathleen Preston, Zoning Inspector-John Spelich, Zoning Secretary-Renee Patry, Linda Jacobs, Ray Byler, John Miller, Wallace D. Byler, Freeman Miller, Al Weaver, John E. Mast, Eli Yoder, Ben Byler, Al Miller, Al Weaver Jr., Robert Miller, Robert Yoder, Alan Preston, Robert J. Mast, Raymond R. Mast, Ray E. Mast, William Weaver, Joe S. Yoder, Norman J. Yoder, John D. Fisher, Samuel J. Weaver, Neil E. Miller, Allen J. Yoder, Robert T. Kramer, and Jonas S. Yoder.

Members of Zoning Boards, Trustees, Zoning Inspector, and Zoning Secretary were introduced.

Board of Zoning Appeals

The members of the Board of Zoning Appeals were asked to express any concerns they may have. Cindy Gazely, Chairman of the Board of Zoning Appeals was concerned that members of the Community may not have a full understanding of the role of the BZA. She explained that the Board of Zoning Appeals role is regulated by law. The BZA hears appeals from a person who feels their specific individual property can't work within the law. The role of the BZA is to uphold the law. They can hear a request for area variance. Some examples are an instance where there is less setback than required by Zoning Regulation, or size of lot less than Zoning Regulation. The BZA is required by Ohio law to use certain criteria when considering a variance request. She explained that these criteria are in the application for a variance that the property owner completes prior to an appeal and are considered by the BZA in the appeal process. The Board is not allowed to consider the hardship of the resident who because of a medical issue must work at home, and although the members of the Board understand and sympathize with the resident, this is an example of something that is not included in the criteria they are required to use when making a decision.

The Board of Zoning Appeals can hear use variance request, which may involve an exception to use in a particular area and doesn't meet the criteria within the law.

Rich Hill-BZA member said he had three concerns. He asked about personal liability of a member of the BZA as in what is the general framework of protection for members of the board. Nancy Ferguson said she would consult with the Geauga County Prosecutor office for the answer to his question.

Mr. Hill expressed concern that many of the appeals come from the Amish Community, yet there is no Amish representation on the Board. It was explained that there is an opening for an alternate for the BZA and they encouraged members of the Amish in attendance to consider joining the Board.

Mr. Hill also expressed concerns that often when appeals are heard they may be far from the general consideration to be granted. He suggested the Zoning Inspector help clarify, or present past cases to help the resident get a better picture of what has happened in the past to avoid unrealistic expectations. Mr. Spelich-Zoning Inspector said the property owners fill out the appeal request form and he reviews the form with the resident. The decision to apply for the variance is made by the resident.

Jon Ferguson-BZA member said he had a few concerns as well. He suggested the area allowed for Home Occupation on 10 or more acres of land be changed to one building at 5,000 square feet. At this time a resident of 10 or more acres is allowed 2 accessory buildings of 2500 square feet and only one is allowed to be used as a Home Occupation. He also suggested that many people would like to build in-law housing to care for older residents. His last concern involved Conditional Use Certificate. He questioned why a Conditional Use was required to be reviewed by the BZA every 5 years. The details of Zoning Regulation need clarification in regards to accessory buildings and should be based on square feet not the number of buildings.

Zoning Commission

The Zoning Commission members were asked to express their concerns. Carlos Nieves, Chairman of the Zoning Commission explained that the Zoning Commission reviewed the Parkman Zoning Resolution over the last 5-6 years using Parkman Township old regulations and the Geauga County Zoning Model. He explained that it takes time to make a change to the Zoning Resolution. There is a process that must be done to make the law, according to the law, and this can take 6 months sometimes. He said that at any time a resident can come to the Zoning Commission and present a request. The members cited a recent request made by Dollar General related to a sign. They came to the Zoning Commission and presented their request with data to support the change they wanted and the Zoning Commission agreed to their request.

In the past the Zoning Commission has added a Home Occupation to the list at a resident's request, as well as the addition of Back-Lot to the regulation. Donald Villers expressed concern

that the driveway back to a back lot be within the driveway regulation to keep it wide enough and maintained for Fire Trucks to be able to gain access for resident safety. This was included in the regulation.

It was agreed that the process of making a change to the Zoning Resolution can take some time. The Zoning Commission must send any proposed change to the Planning Commission for their review. They will review for legal constraints and suggest changes. It then comes back to the Zoning Commission and if a motion is made to accept the change, then is posted for a public meeting in the newspaper and at the Community House so the public has a chance to voice its opinion on the change. The next step is for the change to be sent to the Trustees for their review, and they set a time for a public meeting, which is posted in the newspaper and at the Community House. The public again has a chance to voice its opinion about the change. Then if the Trustees accept the change, it has to be 30 days more to allow for residents to appeal the change. If no appeal is made after 30 days the change can be filed and becomes part of the Zoning Resolution. This process is required by Ohio Law to make a change to the Zoning Resolution.

Carlos Nieves said the Zoning Commission is willing to work with residents and can try to make meeting time changes to try and get a change done quicker, but the process requires some time and simple changes are usually quicker.

Zoning Inspector

John Spelich-Zoning Inspector was asked if he had any concerns. He said he has been Zoning Inspector for the last 15 months. One of the problems he has come across happened when a lot was re-surveyed that had been improperly surveyed many years ago. When this was corrected it caused several lots down the line to be out of alignment and caused some Zoning complications some of which had to be corrected through variance. He has also had an issue with driveways. In some cases the resident had a permit but the drive was not put in, and in some cases the driveway has not been wide enough. Mr. Spelich said in cases of variance request he is allowed to give information but is not allowed to tell the resident what to do. He said he is available for residents to answer any concerns.

Public Comments

Al Weaver expressed his frustration about an area variance for a Home Occupation he had made. He started the process in February and it has taken until April and it is still not finished. Mr. Weaver requested an area variance for an 8,400 square foot building for a metal working Home Occupation. He said he has about 45 acres. The Zoning Resolution area for Home Occupation 10 or more acres is 2,500 square feet. The variance request was turned down and he appealed it with the Court of Common Pleas. A judgment settlement is now being

negotiated with the Trustees. He said he had no problems working with the Committee, but expressed dissatisfaction with communication with the Trustees. Nancy Ferguson explained that the Trustees can listen, but can't advise or influence the Board of Zoning Appeals and the Trustees are the final step after a request is turned down on an appeal.

Mr. Al Weaver asked if he needed a permit for a Home Occupation. He said Trustee Kevin O'Reilly indicated one would be required. John Spelich-Zoning Inspector said he did not need a permit. He asked who he should listen to. Nancy Ferguson-Trustee said to follow John Spelich instruction. John Spelich said no permit.

Freeman Miller asked what the process should be for a resident. The Committees explained that the first step for a resident is to contact the Zoning Inspector with the request for building or change of use. Mr. Spelich will give the resident the information, and or forms. If the resident request does not comply with the Zoning Resolution the resident can make a request with the Zoning Commission, for a change to the Zoning Resolution, or submit an application for a variance for their property. The variance is heard by the Board of Zoning Appeals. If it is turned down the decision can be appealed to the Courts within 30 days. Mr. Miller asked if the Zoning Regulation is Parkman law or State law. Cindy Gazely explained that the Zoning Regulation is Parkman but the process of making the regulations and appeals is State law. The State makes the laws of the responsibilities that apply to the Zoning Boards.

A resident who had attended the Board of Zoning Appeals meeting when Al Weavers area variance was heard asked why the appeal was turned down when 4 members were present and 2 voted for the appeal and 2 voted against the appeal. It was explained that a vote of 3 to approve the appeal is required to pass an appeal.

A resident expressed a concern for a change to allow for in-law residents on properties. He said it is an Amish concern to have a place for the older people.

Summary and Proposals from the Boards

Several suggestions were made to improve communication between the Zoning Boards and residents both Amish and non-Amish. The Boards expressed a desire to do a better job presenting how the system works. The following actions were decided on:

1. Give a copy of the Zoning Regulation to the Amish Bishops
2. Come up with an overview of how the Zoning process works for the community.
3. Amish will come together to present input of any changes they think need to be made to the Zoning Resolution and present those to the Zoning Commission.

Adjournment

It was decided it would be worthwhile to hold joint meetings twice a year in April and October. The next joint meeting will be held in October 2013. The meeting was adjourned at 8:53 p.m.

Respectfully Submitted,

Approved,

Renee Patry

Carlos Nieves

Zoning Secretary

Chair