

## PARKMAN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting June 11, 2013

Members present: Cindy Gazley, Jo Lengel, Jon Ferguson, Rich Hill, and Kathy Preston

Members not present: 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 Cindy Gazley to approve the Parkman Township Joint Meeting Zoning Boards and Trustees April 23, 2013 minutes as amended. Motion carried unanimously.

Jon Ferguson made a motion seconded by Jo Lengel to approve the March 12, 2013 meeting minutes. Motion carried unanimously.

### **Correspondence**

- Northeast Ohio Planning and Zoning Workshop-There is a Planning and Zoning Workshop on June 28, 2013 in Warren, Ohio. Jon Ferguson and Kathy Preston plan to attend the workshop. They will bring information back for discussion with BZA in a meeting.

### **Old Business**

- Calling of the vote-In response to a suggestion made at the joint meeting April 23, the procedure for calling for the vote in an appeal was discussed. It was decided that there needs to be an understanding that everyone is ready to vote and the discussion phase of the appeal is completed. The Chair will ask if everyone ready to vote. Then the Zoning Secretary will roll call the vote, changing the order randomly each appeal. Jon Ferguson also indicated that in the last appeal involving Mr. Al Weaver, Mr. Weaver did not understand why the appeal would require 3 votes to pass. Jon Ferguson said he explained the requirement from the Zoning Resolution to Mr. Weaver after the Zoning meeting. It was suggested that this could be explained before the vote is called and it was agreed that it will be.
- Board of Appeals Deliberations-Jon Ferguson and Jo Lengel brought up the question of deliberations in the appeal process. They attended a workshop at Nelson Township in which the speaker Mark Finemore indicated that deliberations could be private, in an

executive session and when the Board is ready to vote the vote is held in public. Rich Hill said that if he was the appellant he would prefer the discussion to be in public. Jon Ferguson suggested that when the Board comes out of executive session to vote they vote and explain why they voted yes, or no. Jo Lengel said in the workshop all the other Board of Zoning Appeals in attendance deliberated in private. Cindy Gazley suggested consulting with Rebecca Schlag-Geauga County Assistant Prosecuting Attorney for her advice on whether deliberations need to be in public or if they can be in private or if a Board member could call for discussion in executive session. Cindy Gazley will consult with Rebecca Schlag APA and inform the BZA members when Ms. Schlag advises on the process.

- Judgment Entry Cases-Cindy Gazley told the Board that she has requested a copy of the Judgment Entry Cases when they have been finalized so that the Board of Appeals can review them for informational purposes. A copy of the Default Judgment for Mr. Mast was distributed to the members. After reviewing the document Cindy Gazley questioned whether Mr. Mast had obtained a certificate from the Zoning Inspector as required in the Default Judgment. There have been no variance requests for BZA to consider on this situation.
  
- Areas of Concern
  1. Auction Business-Kathleen Preston expressed concern over a building being constructed at the corner of Newcomb Road and Nash Road. She said the building is very large and she had heard that the building is to be used for an auction business. She said she had reported this to the Zoning Inspector and the building is continuing to be built. She said she had also contacted Trustee Nancy Ferguson. Jo Lengel suggested she make a formal written complaint to the Zoning Inspector and follow up with the Zoning Inspector as well as inform the Board of Trustees.
  2. Parkman Auto- Cindy Gazley expressed frustration that Parkman Auto has not come before the Board of Zoning Appeals for a Conditional Use Certificate as is required by the zoning regulation. Renee Patry-Zoning Secretary informed the Board that Amen Towing came to the last Zoning Commission meeting asking for change in the Zoning Resolution to allow for a Towing Business at the same location as Parkman Auto. The Towing Business would be a separate entity than Parkman Auto. The Zoning Commission also had a request from Mr. Kurtz to add Salvage Store to the Home Occupation list. The Board expressed frustration about the enforcement of

Zoning Resolution as well as enforcement of cleaning up abandoned and foreclosed properties in the town.

3. Conditional Use-Jon Ferguson asked about Conditional Use review. At the seminar in Nelson Township, the speaker said the Conditional Use review is done by the Zoning Commission. It was pointed out however that in Parkman Township Zoning Resolution the review is done by the Board of Zoning Appeals every 5 years. Jon Ferguson questioned why the resident is required to pay for the Conditional Use review every 5 years if they still meet the conditions.

### **Adjournment**

A motion was made by Jo Lengel and seconded by Jon Ferguson to adjourn the meeting at 8:37 p.m. Motion carried unanimously.

Respectfully Submitted,

Approved,

Renee Patry  
Secretary

Cindy Gazley  
Chair, BZA