

**Munson Township**  
**Zoning Commission Meeting**  
Minutes of April 30, 2019

Chair Adriano Fiucci called the meeting to order at 7:30pm with Dennis Medica, Lenore Pikus, Kurtis Taylor and Nick Christie present. Also present were Zoning Inspector James Herringshaw and Secretary Julie Johnston. The Pledge of Allegiance was said.

Adriano Fiucci moved and Dennis Medica seconded to approve the minutes of April 9, 2019 as written. Motion carried, 4-0.

The Board discussed proposed amendment 2019-01. A resident mentioned that he feels that Section 519.1 needs to be rewritten or the neighbors would be cut out. He added that they had no clue what was going on at the public hearing, but now understands the process. Now that they are aware of the situation, they can respond more logically and would like to make sure they will still have some kind of a voice since it would be hard to get it back once it is taken away.

Geauga County Assistant Prosecutor Susan Wieland was in attendance and did some research on the issue of neighbors consent, and it is her opinion that there is a good argument that could be made that the current language in section 519.1 of the Munson Township Zoning Resolution is unconstitutional. There are several cases throughout the county that seem to indicate that when neighbors are allowed to lift restrictions, those regulations are generally upheld. However, when neighbors are allowed to impose restrictions, those regulations have been found unconstitutional. The current language of 519.1 seems to allow neighbors to impose restrictions. Further, Ms. Wieland mentioned that this sort of language does not appear in the model zoning resolution or in any other township zoning resolution in Geauga County. She seems to think this provision was stumbled upon and has never been enforced by Munson Township.

Lenore Pikus moved and Kurtis Taylor seconds that the Munson Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number 2019-01 to the Munson Township Zoning Resolution together with the attached motion and text pertaining thereto, and the attached recommendation of the Geauga County Planning Commission to the Munson Township Board of Township Trustees this 30th day of April 2019, motion carried, 5-0.

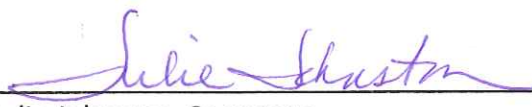
The documents in their entirety are attached as part of the minutes.

Another resident's concern was addressed by Zoning Inspector Jim Herringshaw who explained the process of how changes to the Zoning Resolution originate. He clarified that the model Zoning Resolution was written by Dave Dietrich, the former Planning Director from the Geauga County Planning Commission in 1981. In the daily use of the Zoning Resolution, we come across errors, language in need of updating, regulations that could be illegal, etc. After their public hearing, the Board of Trustees makes the final decision on the proposed amendment.

The next scheduled meeting is Tuesday, May 21, 2019 at 7:30pm.

The meeting was adjourned at 8:02pm

  
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Adriano Fiucci, Chair  
KURTIS TAYLOR

  
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Julie Johnston, Secretary