

Munson Township

Zoning Commission Public Hearing and Regular Meeting

Minutes of April 13, 2022

Nicholas Christie, Chair called the Public Hearing to order at 6:00pm with Edward Hren, Adriano Fiucci and Glen Peck present. Also present was Zoning Inspector Jim Herringshaw and Secretary Julie Johnston. Kurtis Taylor was absent. The Pledge of Allegiance was said.

Mr. Christie read that the Geauga County Planning Commission recommended approval of the proposed Munson Township Zoning Amendment 2022-01 as initiated by this Board on March 9, 2022.

Public Comment

Joe Bastulli asked if the Zoning Commission always sends amendments to the Planning Commission for review and would like to know how changes to the Zoning Resolution come up. Mr. Christie responded that the Planning Commission always reviews the amendments and comments and recommendations are given if they feel it is necessary. Occasionally, inconsistencies come up in the Zoning Resolution that the Zoning Commission will review. When in the reviewing process, some items need better clarification and other items may arise like whether the language is constitutional or not. The Planning Commission makes suggestions at times when the model zoning resolution needs updating. The Zoning Commission talks about many different subjects while looking out for the betterment of the community.

Mr. Bastulli feels it is discriminatory since when he mentions things at a Township meeting, they seem to come up for Zoning Resolution amendments. Mr. Bastulli stated he wants what is best for the township. He brought up a past Board of Zoning Appeals meeting for a swimming pool use variance which he was against. This is an example to what the future can hold. For business and commercial use on the land would give the township the greatest ability to police if things got out of hand. Section 1202.4, if removed would cause more concerns. The Board of Zoning Appeals should add conditions to use variances to meet neighborhood concerns. Moreland Hills did a conditional use variance with conditions. Mr. Bastulli feels we are limiting ourselves and neighborhood concerns.

Mr. Christie added that the variance was the right way to go since a condition cannot be added. Adding conditions does not follow what the Board of Zoning Appeals can do. Mr. Bastulli respectfully disagreed since the Zoning Commission is taking away liabilities; no loud music, operating during specific hours, etc. Mr. Christie added that the Board of Zoning Appeals does not make something fit if it is not a good idea to begin with.

Richard Ferlin had concerns regarding use variances. When it gets to the Board of Zoning Appeals, he feels it is in a condition where it has to be voted down. A use variance should not be granted unless it meets conditions. Where does deleting this from the Zoning Resolution come from? He told the Zoning Commission they must think twice before deleting something that has been there for years (1204.2 in part). He wants to keep rural things here and try to make it a better place. Trustee Jim McCaskey asked Mr. Christie if he answered Mr. Ferlin's question. Mr. Christie answered yes. Mr. Ferlin continued with the Berkshire Hills pool. The BZA granted a use variance on 137 acres with conditions that only affected the pool. Mr. Ferlin said the use variances are powerful and the Duncan factors were applied to the use variance. He heard that Realtors have been telling people the listing of 103 acres on Wilson Mills Road has a use variance.

Mr. Bastulli tried to clarify what Mr. Ferlin was trying to get across. For example, nothing can be done about the whole Board of Zoning Appeals swimming pool meeting. The name of the applicant is the lease holder, there are no restrictions on the landowner. All the restrictions are on the lease holder. Agritourism (Section 1201) has come out the past couple of years. The Zoning Resolution says no zoning code can be applied to agricultural uses. If someone wants a lean-to on their shed, etc. If anything should be removed, agricultural uses should be removed.

Mr. Ferlin chimed in that Agritourism is a growing issue and the Ohio Revised Code is changing stuff. Mr. Bastulli urged the Board to read what the Ohio Revised Code states regarding agritourism. Mr. Christie informed the audience that there are limits to agritourism but not with agricultural use.

The public hearing was closed and opened the regular meeting at 6:35pm.

Glen Peck moved and Edward Hren seconded that the Munson Township Zoning Commission recommends the approval of proposed amendment (2022-01) to the Munson Township Zoning Resolution as attached hereto. Motion carried, 4-0.

Adriano Fiucci moved and Edward Hren seconded that the Munson Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number 2022-01 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 13th day of April 2022. Motion carried, 4-0.

Glen Peck moved and Adriano Fiucci seconded to approve the minutes of March 9, 2022 as written. Motion carried, 3-0.

Zoning Report

Zoning Inspector Jim Herringshaw told the Board that there are more swimming pools in the works. Jennings at Notre Dame will be getting the zoning permit soon to follow through with the last three cottages.

Public Comment

Mr. Bastulli commented that he feels the Zoning Commission just made a big mistake by approving the amendment. He feels they are suggesting the Trustees vote on taking away conditions to a variance. He stated that he tried to have a conversation, but the Board acted like they were told to do this. Mr. Bastulli hopes the Trustees vote it down. He does not see how this can be any good for the township we all live in.

The next meeting will be held on Wednesday, May 11, 2022 at 6pm at Munson Townhall.

Mr. Christie moved and Adriano Fiucci seconded to adjourn the meeting at 6:43pm. Motion, 4-0.



Nicholas Christie, Chair



Julie Johnston, Secretary



Geauga County Planning Commission
470 Center Street, Building 1C, Chardon, Ohio 44024
Phone (440) 279-1740 Fax (440) 285-7069
www.co.geauga.oh.us/Departments/Planning-Commission

April 12, 2022

Ms. Julie Johnston, Secretary
Munson Township Zoning Commission
12210 Auburn Road
Chardon, Ohio 44024

Re: Proposed Zoning Amendment No. ZC 2022-01
Initiated on March 9, 2022

Dear Ms. Johnston:

Please be advised that the Geauga County Planning Commission at its meeting held on April 12, 2022 voted to recommend approval of the proposed Munson Township Zoning Amendment ZC 2022-01 as initiated by the Munson Township Zoning Commission on March 9, 2022.

Pursuant to R.C. 519.12, the Planning Commission's recommendation must be considered by the Zoning Commission at its public hearing regarding the proposed amendment. Subsequent to the hearing, the recommendation is to be forwarded to the Board of Township Trustees. If the subject amendment is adopted by the Board of Trustees, a copy thereof must be provided to this office within five (5) days after its effective date.

If you have any questions, please contact the Planning Commission at (440) 279-1740.

Sincerely,

Linda M. Crombie, AICP
Planning Director, Geauga County Planning Commission

c: Susan Wieland, APA
Amendment file

EXHIBIT A

SECTION 202 DEFINITIONS

All words used in this Resolution shall have their customary meanings as defined in the Ninth Edition of Webster's New World Dictionary, except those specifically defined in this section.

Premises – An area of land, regardless of the number of lots or parcels, occupied by the buildings or other physical uses which are an integral part of the activity conducted upon the land and such open spaces or yards as are arranged and designed to be used in conjunction with that activity.

SECTION 401 R-1 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

The intent of the **R-1** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 2 ½ acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

401.1 District Boundaries

District designations on the Zoning Map notwithstanding, the parcel of land on the East side and within 436 feet of the centerline of Bass Lake Road between a point 750 feet North of the midpoint of the intersection of Bass Lake Road and Route 322 and extending Northerly to Woodiebrook Road is an **R-1** Residential District.

401.2 Permitted Principal Uses and Structures

- a. One single-family dwelling in accordance with Article 5.
- ~~b. Places of Worship as regulated in Article 5.~~
- ~~c. Forests and wildlife preserves.~~
- ~~d.~~ b. Public structures and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- ~~e.~~ c. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- ~~f.~~ d. Type B family day-care home and Type B home – See Section 524.1

SECTION 402 R-2 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

The intent of the **R-2** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 5 acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

402.1 Permitted Principal Uses and Structures

- a. One single-family dwelling in accordance with Article 5.
- ~~b. Places of Worship as regulated in Article 5.~~
- ~~c. Forests and wildlife preserves.~~
- ~~d.~~ b. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- ~~e.~~ c. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.

- fd. Type B family day-care home and Type B home – See Section 524.1

SECTION 403

R-3 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

The intent of the **R-3** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 5 acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

403.1

Permitted Principal Uses and Structures

- a. One single-family dwelling in accordance with Article 5.
- ~~b. Places of Worship as regulated in Article 5.~~
- ~~c. Forests and wildlife preserves.~~
- db. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- ec. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- fd. Type B family day-care home and Type B home – See Section 524.1

SECTION 404

R-4 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

The intent of the **R-4** Residential District is to recognize the existence of and the demand for residential lots at a density of one dwelling unit per 5 acres. The dwelling density is compatible with the Munson Township Land Use Plan and the associated Munson Township Soil Map.

404.1

Permitted Principal Uses and Structures

- a. One single-family dwelling in accordance with Article 5.
- ~~b. Places of Worship as regulated in Article 5.~~
- ~~c. Forests and wildlife preserves.~~
- db. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.
- ec. Licensed Residential Facilities as defined in O.R.C. 5123.19 (M) and O.R.C. 5119.341 (A) or as amended.
- fd. Type B family day-care home and Type B home – See Section 524.1

SECTION 405

FLOOD-PRONE DISTRICT (FP)

INTENT AND PURPOSE

The intent of the FP District is to recognize the existence of areas constituting flood plains, the hazards building and other development in such areas pose to the health, safety and general welfare of the community, and the consequent need for special control over such building and development. Such controls and dwelling density are consistent with the Munson Township Land Use Plan and the associated Munson Township Soil Map. Unless noted otherwise, all buildings, structures and uses in a Flood-Prone District are subject to approval by the Board of Zoning Appeals in accordance with Section 806.

405.1

Minimum Lot Size

The minimum size of a lot in the Flood Prone District shall be five (5) acres.

**Conditional Uses, Principal Buildings and Structures: Conditional Use
Zoning Certificate Approval Per Section 806 Required**

- a. One single-family dwelling per lot in accordance with Section 806.
- ~~b. Forests and wildlife preserves~~
- ~~eb.~~ Places of Worship as regulated in Article 5 and Article 8.
- ~~ec.~~ Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments. Such uses include parks, playgrounds, libraries, schools, fire stations, town hall and cemeteries.

SECTION 509 ACCESSORY STRUCTURES

All accessory structures shall be in conformity with the following provisions:

- 509.1 All accessory structures shall be anchored to the ground.
- 509.2 No garage or other accessory structure shall be erected within the front yard of any district, except for fencing and a student bus stop shelter.
- 509.3 Accessory structures shall be located within the side and rear yards as set forth in Section 411. Accessory structures shall not be closer than fifteen (15) feet to the principal structure, except for the following freestanding structures: swimming pools, fences, dish antennas, decks, and gazebos.

509.4 Student Bus Stop Shelter

Shall be in conformity with the following provisions:

- a. No student bus stop shelter shall be placed within any public right-of-way.
- b. Should any student bus stop shelter be or become unsafe, unsightly, or be in danger of falling, the owner of the real property upon which the shelter is located shall, upon receipt of written notice from the zoning inspector, proceed at once to put such shelter in a safe and secure condition or remove the shelter.
- c. The floor area shall not exceed thirty-two (32) square feet.
- d. The height shall not exceed eight (8) feet.

509.5 Fences, Gates, and Walls

Shall be in conformity with the following provisions:

- a. Fences, gates, and walls shall be erected outside of the right-of-way of any public or private road.
- b. Fences, gates, and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
- c. Fences and walls shall be a maximum of four (4) feet in height in any front yard and no more than six (6) feet in height in any side or rear yard, except as otherwise provided herein.
- d. No part of any fence or wall shall extend beyond the boundary lines of the property being enclosed.
- e. The unfinished side (if any) of a fence, including the structural supports and posts, shall face the lot upon which the fence is constructed.

SECTION 801 CONDITIONAL ZONING CERTIFICATES

Conditional uses shall be permitted only upon issuance of a Conditional Zoning Certificate by the Board of Zoning Appeals to at least one owner of the property.

Application

Written application for a conditional zoning certificate shall be made on forms provided by the Zoning Inspector and shall be signed and dated by the owner or his/her designated agent, attesting to the truth and accuracy of all information supplied in the application. At a minimum, the application shall contain the following information:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. The lot, name, and number or legal description of the property;
- d. Description of existing zoning district;
- e. Description of the proposed Conditional Use;
- f. A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse and service areas, standpipes, utilities, rights-of-way, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Resolution;
- g. A plan for screening when applicable;
- h. A narrative statement discussing the merits of the proposal;
- i. Such other information as may be required by the Board of Zoning Appeals; and
- j. A fee as established by the Township Trustees.

Conditional Use Standards

Conditional Uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

- a. The use is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
- b. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- c. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located;
- d. The use shall be compatible with the adjoining area and the proposed character of the zoning district where it is to be located;
- e. The use will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, and drainage structures;
- f. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Adequate landscaping and screening are provided, as required under Article 8;
- h. Adequate off-road parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting roads;
- i. The use conforms with all applicable regulations governing the district in which it is located;
- j. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations; and
- k. Any other supplementary requirements as prescribed by the Board of Zoning Appeals.
- l. Conditional uses shall be limited to, and must be implemented in accord with Sections 802-807.
- m. A conditional zoning certificate shall not be transferred or assigned, except for single family dwellings and accessory buildings and structures thereto, within the Flood Prone District.

- n. A conditional zoning certificate for any of the uses provided herein shall be valid for a period not to exceed five years from the date of issuance, except for single family dwellings and Places of Worship ~~within the Flood Prone District.~~
- o. The conditional use shall be void upon change of ownership or use unless a new application is made for such a certificate within thirty (30) days after change of ownership or use. The conditional zoning certificate shall be limited to whom it is originally issued and is not transferable.
- p. Signs as regulated in Article 10.

SECTION 805

COMMERCIAL RECREATIONAL FACILITIES

All commercial recreational facilities other than those specifically described elsewhere in ~~Section 805~~ Article 8 shall be limited to Commercial Districts and shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals.

1003.7

Electronic Changeable Signs

Multiple message and variable message signs which are changed electronically shall conform to the following regulations:

- j. No more than one (1) electronic changeable sign is permitted ~~for~~ on the premises regardless of the number of signs permitted ~~or the number of uses on the premises.~~

1202.4

Granting of Variances

The burden of proof for granting a variance shall rest with the applicant. In granting any appeal for a variance, the Board of Zoning Appeals must consider conformity with the spirit and intent of this Resolution. The Board of Zoning Appeals may only grant an appeal for an allegation of error by the zoning inspector, for a "use" variance or an "area" variance from the terms of this Resolution, in the district involved, by following the procedures set forth in Sections 1202.4.1 and 1202.4.2. ~~The Board of Zoning Appeals, in deciding any appeal for a variance, may require such supplementary conditions, which are reasonably related to the requested variance, are not in conflict with this resolution and which the board deems necessary to protect the public health, safety, and morals. Any such supplementary conditions shall be made a part of the Board of Zoning Appeals' proceedings and shall be incorporated into the final decision by the board approving that variance. Violation of such supplementary conditions which are made a part of the written decision of the board, shall be deemed in violation of this resolution.~~

Zoning Commission


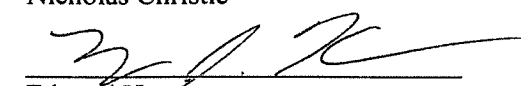


Munson Township

Chardon, Ohio


SUBMISSION OF RECOMMENDATION
OF TOWNSHIP ZONING COMMISSION
ON PROPOSED AMENDMENT TO ZONING
RESOLUTION TOGETHER WITH MOTION AND TEXT
PERTAINING THERETO AND THE
RECOMMENDATION OF THE COUNTY
PLANNING COMMISSION TO THE BOARD
OF TOWNSHIP TRUSTEES
R. C. 519.12 (E)

The Munson Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number 2022-01 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 13th day of April 2022.

Munson Township Zoning Commission

<u>Member</u>	<u>Yes or No</u>
 Nicholas Christie	Yes
 Edward Hren	Yes
 Adriano Finucci	Yes
 Glen Peck	Yes

Attested to by:


Julie Johnston, Secretary
Munson Township Zoning Commission

Received by Munson Township Board of Township Trustees this _____ day of April 2022.

Todd Ray, Township Fiscal Officer

Zoning Commission

Munson Township

Chardon, Ohio

RECOMMENDATION OF TOWNSHIP ZONING COMMISSION CONCERNING PROPOSED AMENDMENT TO ZONING RESOLUTION R. C. 519.12 (E)


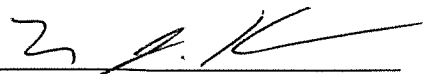
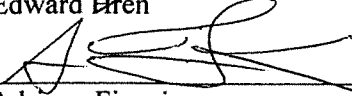
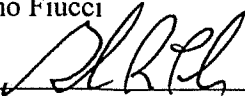
The Munson Township Zoning Commission, Geauga County, Ohio, met in regular session on the 13th day of April 2022 at 6:00 p.m. with the following members present:

Nicolas Christie, Glen Peck, Edward Hren, and Adriano Fiucci

Glen Peck moved the adoption of the following motion:


That the Munson Township Zoning Commission recommends the approval of proposed amendment (2022-01) to the Munson Township Zoning Resolution as attached hereto.

Edward Hren seconded the motion and the roll being called, the vote of the Munson Township Zoning Commission was as follows:

<u>Member</u>	<u>Yes or No</u>
 _____ Nicholas Christie	Yes
 _____ Edward Hren	Yes
 _____ Adriano Fiucci	Yes
 _____ Glen Peck	Yes

Adopted the 13th day of April 2022

Attested to by:



Julie Johnston, Secretary
Munson Township Zoning Commission

Received by Munson Township Board of Township Trustees this _____ day of April 2022.

Todd Ray, Township Fiscal Officer