

# Munson Township Zoning Commission

## Minutes of March 15, 2010

Chairman Ron Atkinson called the meeting to order at 7:00pm. In attendance were: Jim Tekavec, Dennis Medica, Dennis Wynne, and Zoning Inspector Tim Kearns. Secretary Paula Frieberthausner was absent. Three applicants for the vacant Zoning Commission (ZC) position were in the audience.

Dennis Wynne agreed to act as Secretary for this meeting and took the meeting minutes.

Jim Tekavec moved and Dennis Wynne seconded to approve the February 22, 2010 meeting minutes. Motion carried.

### CORRESPONDENCE

Zoning Bulletin Issue – February 10, 2010; and Ohio State Bar Association (OSBA) Zoning and Land Use seminar – brought in by Jim Tekavec. Jim Tekavec, Dennis Medica, and Dennis Wynne are interested in attending the OSBA seminar. A copy of the brochure will be left for Ms. Frieberthausner to see if the Trustees will approve the Township covering the cost of the seminar. It was noted that Todd Hunt will be presenting at the OSBA seminar.

### ZONING INSPECTOR'S REPORT

Limited activity this month, but new house came in today so zoning certificate activity might be picking-up. While slow Mr. Kearns is working on some home occupation issues. Mr. Tekavec and Mr. Kearns met with a representative of Best Sand with regard to solar. Even with federal and State of Ohio monies the majority of the cost of the solar panels was borne by Best Sand. Currently Best Sand is looking at putting up windmills on the hill behind the current Fairmont Minerals building. Legal action with the plumber has concluded.

### OBJECTIVES

**Institutional District:** It was confirmed that the Trustees signed the engagement letter for Todd Hunt to provide legal counsel to the ZC with regard to the Institutional District and elderly restrictions for housing. The opinion letter from Todd Hunt is due by close of business on March 18. March 22 is set for the zoning workshop, beginning at 7:00pm. Ms. Frieberthausner will take notes. The workshop will not be open to public comment. George Smerigan will also attend the workshop with his analysis of the open space on the current UH property. Mr. Smerigan will follow Mr. Hunt. CT has not been in further contact with Mr. Kearns, but Mr. Kearns stated that there is no question that CT will be going forward with the project. To date the footprint of the proposed building remains the same as the initial proposal. The Resolution does not empower the Township to stop the clearing of timber.

**Solar/Wind:** Based on the conversation with Best Sand and review of the revised model zoning resolution the issues remain (1) setbacks [for safety] and (2) shading. There is not currently a lot out there with regard to the regulation of solar by a Township. The model zoning resolution has limited language – only refers to rooftop installation of solar panels. Mr. Tekavec and Mr.

Kearns are working on a draft for the April 19 ZC meeting. Mr. Atkinson is working with Mr. Kearns on wind language – a draft is underway.

**General Provisions (Article I):** Ms. Friebertshauer to incorporate the two additional “general welfare” updates into the draft and will correct the grammar. All ZC members agreed to forward the draft (with the changed incorporated) to the County.

**Parking:** Mr. Atkinson has rewritten and the draft is on Ms. Friebertshauer’s desk. Mr. Atkinson is still uncomfortable with uses v. number of parking spaces (e.g. church, hospitals, etc.). How can this be determined? Does CT have a reference for this? Once retyped by Ms. Friebertshauer the draft will be circulated to the ZC members via email. A difficulty with churches is that the parking lot will remain empty Monday through Friday and then will be too small on Sunday. Mr. Atkinson will speak with Mr. Kearns to get a comfort level as to fair parking standards.

**Home Occupation:** The Geauga County Prosecutor continues to recommend a list of authorized home occupations be included in the Zoning Resolution. Could we include both the list of requirements and then a “including but not limited to” list of authorized home occupations? The ZC still does not want to proceed with a list of authorized home occupations. The ZC is in favor of the shorter version of the draft with the additional language – “a home occupation shall not operate in violation of any federal, state or local laws or regulations.”

**Political Signs:** Mr. Medica and Mr. Kearns have met and Mr. Kearns has provided a model from another township. The goals are: (1) a timeframe for removal of “political” signs, (2) expanding the scope to include other signs, and (3) removing the term “political.” A draft will be ready by the April 19 meeting.

**Model v. Township Resolution:** ZC will need to focus energies on this in 2010. This will include reformatting the Resolution.

**Cell Towers:** A lot of material in the model zoning resolution on cell towers. Mr. Kearns will review model zoning resolution by April 19 meeting.

#### OTHER BUSINESS

**Alternate Members appointed to the Zoning Commission:** The Ohio Revised Code authorizes up to two alternates for ZC and Board of Zoning Appeals (BZA). Mr. Atkinson thinks that alternates should be considered for the ZC as they have worked so well for the BZA. Alternate members of the ZC would be required to attend all ZC meetings and would be members of ZC but could not vote unless the alternate was filling in for an absent member. In the case of the BZA the alternates are called upon regularly, but the BZA deals with issues that are handled at one meeting. The ZC’s role requires a longer continual process. The alternate role might be good for “on-boarding” a new member joining the ZC as a permanent member.

Mr. Medica indicated that some Townships have engaged interns during the summer to support board/commission functions – this is a possible option. A compromise would be advance notice from a ZC member who does not plan to continue at the end of his/her appointment then an alternate could be brought in six months in advance to get that potential member up to speed.

Comment from the three potential members in the audience indicated that they would be less enthusiastic if permanent membership on the ZC was not likely. The conclusion was that the better idea may be to get advance notice from a "retiring" member and get an alternate several months in advance of the "retirement."


**Procedure for Zoning Commission:**

- 1) ZC sends draft to County Planning Commission.
- 2) Draft returned to ZC with comments.
- 3) Formal language recommendation sent from ZC to County.
- 4) Formal language sent back to ZC with comments.
- 5) ZC recommends language to Trustees.
- 6) Trustees have an up/down vote.
  - a) If up: becomes part of Zoning Resolution (if not referendum on ballot).
  - b) If down: not part of Zoning Resolution.

The meeting was adjourned at 8:46pm.

The next scheduled meeting is April 19, 2010.

  
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Ron Atkinson, Chairman

  
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Dennis Wynne, Acting Secretary