

BAZETTA TOWNSHIP TRUSTEES SPECIAL MEETING MINUTES

Date: January 25, 2010 at 7:00pm
Bazetta Township Administration Building
3372 State Route 5 NE
Cortland, Ohio 44410

Meeting called to order at 7:00pm.

Present:

Presiding Trustee Paul Hovis
Trustee Frank Parke
Trustee Don Urchek
Fiscal Officer Rita K. Drew

- Director Bill Miller, Assistant Director Trish Nuskievic, and David Dubiaga (Plats & Zoning) of the Trumbull County Planning Commission were introduced
 - Director Miller noted that all 3 had a part in the plan that was created last year
- Trustee Hovis turned meeting over to Bazetta Zoning Chairman Webb
- Chairman Webb introduced members of the Bazetta Zoning Commission, Zoning Secretary Deanna Boggess, and Zoning Inspector David Nuss
- Chairman Mike Swiatkwich introduced members of the Bazetta Zoning Appeals Board

- Chairman Webb stated that the Zoning Commission, through viewing the map and having conversations with community members, discovered that there were multiple issues with the new map
 - Had previously asked the Trustees to rescind the motion adopting the map, which has been done
 - Reviewed the issues that were discussed at the January 19 Special Meeting

- Mr. Dubiaga said that the current map is correct, based upon the information in the township zoning book
 - Chairman Webb said there are probably properties changes that may have never been recorded in the County Recorder's office
 - Fiscal Officer Drew discussed the amendments that had not been filed in a timely manner
 - Mr. Dubiaga said that Planning Commission only has records for amendment proposals, not what the actual approved amendments

- Chairman Webb stated there are multiple problems
 - Properties with homes on them that should be zoned residential, but are now commercial
 - Asked if the township would need to have residents come in one at a time, at a cost of roughly \$400 each, to change all of the properties in Timber Creek to residential zoning
 - Properties where zoning changes were never properly record and/or reported
 - Properties where commercial zoning designations need to be changed
 - Commented on the fact that businesses on Route 5 are behaving as if they have the highest commercial designation when the actual zoning is a lower designation
 - Mr. Dubiaga said the original 1970s designation had the highest level and anything new came in with a lower designation
 - Noted some properties in Timber Creek that are zoned RA, but do not have those types of structures on them
 - Properties which have multiple types of zoning within the same property

- Trustee Hovis asked what the Route 5 corridor should have been zoned
 - Mr. Dubiaga said original district should have been a C-3 when question was raised a few years ago and that Trustees chose not to make this change at that time

- Walter Maycher said the biggest problem at this point is the residential properties in commercial zones
 - Needs to be cleared up first so new residents do not have to get commercial loans for these properties
 - Said doing this en masse would be a better solution than doing it on an individual basis
 - Mr. Dubiaga said this same problem exists over by the golf course as well
- Barbara Rosier-Tryon cited the 3 ways listed in the zoning book for changes to be made
 - Stated this can be done en masse (up to 10 parcels) using the procedures outlined in the zoning book
 - Director Miller said a legislative amendment can be used so residents need not pay any fees
 - Mr. Dubiaga said it should be done by recommendations from the Zoning Commission to Trustees
- Trustee Urchek asked what to do if a resident wants to keep the commercial zoning
 - Mr. Dubiaga said to notify residents and allow them to come to a public hearing where these types of issues can be addressed
 - Director Miller said the Trustee should listen to the resident
 - Should what is in the best interest of the majority
 - If a resident wants to go against the decision of the Trustees, he or she would need to file an injunction and follow proper legal procedures
- Trustee Hovis said the Zoning Commission will have to go through their regular procedures
 - Mr. Dubiaga said the Zoning Commission will have to be sure to identify all properties in each action
 - Chairman Webb asked if they should do a neighborhood at a time
 - Mr. Dubiaga said that is how a similar situation was handled in Niles
- Trustee Hovis asked if we could use the same mechanism for changing the commercial parcels
 - Mr. Dubiaga said it would be different
- Mr. Dubiaga and Chairman Webb said the priority should be to get the residential properties corrected
 - Chairman Webb's biggest concern is the potential loss of a sale because of the incorrect zoning designation
 - Inspector Nuss thinks order of importance is the areas zoned commercial, then the blocks that are zoned RA, and finally the parcels with 2 different types of zoning
 - Mr. Miller said the next step in the legislative amendment process is to go to the Planning Commission and figure out, in detail using their GIS system, what properties need to be changed
- Chairman Webb asked if a public notice would have to list every parcel
 - Mr. Dubiaga and Director Miller said no, but there would have to be a public mailing to every resident who is affected
 - Trustee Urchek said certified mail would be best because of the return receipt notification
 - Barbara Rosier-Tyron suggested putting block numbers in the public notice
 - Trustee Urchek said to be sure to give resident enough time to be available
 - Chairman Webb noted the process and time tables involved in making these changes
 - Inspector Nuss thinks blocks 66 and 75 should be addressed first, followed by blocks 72 and 68
- Inspector Nuss asked about block 54 where properties are zoned part commercial and part residential
 - Has received questions regarding what a resident can build on these properties
- Mr. Dubiaga said the zoning map follows the comprehensive plan and land use map
 - Trustee Hovis said a comprehensive plan had been adopted a few years ago
 - Director Miller said an update was worked on in 2009, but was not acted on before the year's end
 - Land use map and comprehensive plan are road map for future township zoning
 - If map is not consistent with land use map or comprehensive plan, then township is not following its own blueprint and courts will see this disconnect and rule accordingly
 - Chairman Webb said Zoning Commission has never seen land use map or comprehensive plan

- Walter Maycher reiterated this
- Trustee Hovis said Trustees need to adopt both the comprehensive plan and land use map in order to move forward
- Barbara Rosier-Tryon asked whose vision these things documents were
 - Director Miller said the township had previously asked the Planning Commission
 - Chairman Webb said he assumed that, at some point, the township would be presented with the plan
 - Mr. Miller said he was working with previous trustees to get the plan adopted, but the final meeting has not happened yet
- Walter Maycher said that comprehensive plans and opportunities have come and gone
- Director Miller said that they could come back and get on our regular agenda or do another meeting like this to get the new Trustees up to speed
 - Chairman Webb said we need to get the comprehensive plan in effect as soon as possible because, right now, we are flying by the seat of our pants and we need some direction
 - Trustee Hovis said the Zoning Commission should move forward to get meetings scheduled and documents created so Trustee can schedule another special meeting
- Chairman Webb asked Inspector Nuss how soon he can get information compiled for the Zoning Commission
 - Inspector Nuss said he has 90% of it done now
 - Vice Chairman Lonsbrough said Inspector Nuss should get the GIS numbers so the Zoning Commission can schedule a meeting and send the mailing
 - Inspector Nuss said that this could be done within the next 10 days
- Chairman Webb asked the Trustees if larger meetings could be held elsewhere since the Administration Building is not be larger enough to hold 50-60 residents
 - Trustee Hovis and Trustee Urchek noted a few other possibilities
- Barbara Rosier-Tryon asked if the Planning Commission has records of what amendments are passed
 - Mr. Dubiaga said proposals go to Planning Commission for recommendation, go to Trustees for final passage, and then go to the County Recorder
 - Planning Commission get their current information from whatever is in the township zoning book, not from the County Recorder's Office
- Vice Chairman Lonsbrough asked what should be done with errors on the map
 - Mr. Dubiaga said to contact them with the resolutions showing the amendments made
 - Director Miller said to funnel any errors or corrections from Inspector Nuss to Mr. Dubiaga, utilizing a single point of contact so there is no confusion
- Chairman Webb asked what to do in the case of variances
 - Mr. Dubiaga said conditional uses can be indicated on the map if there are records
- Chairman Webb asked if Zoning Appeals Board documents should go to the Planning Commission
 - Mr. Dubiaga said they could do that if they chose to
- Chairman Webb asked what should occur in 1st public meeting
 - Mr. Dubiaga said to identify parcels and have a Zoning Commission meeting, not a public hearing
 - At that meeting, make a motion to change the parcels
 - Notify the Planning Commission, then have a public hearing and send notifications
 - The 1st meeting should be just to make the motion to change the parcels
- Chairman Webb asked if the 2nd meeting would be the hearing where the public would be informed

- Would it not be the opposite of a normal meeting since the Zoning Commission is explaining what they are doing rather than public asking them to do something
- Director Miller said it would and recommended making opening remarks and explaining why the change is being are initiated
- Barbara Rosier-Tryon said you might need to have Atty. Finamore make the case to the public
 - Vice Chairman Lonsbrough said they would just need to carefully word the motion
- Vice Chairman Lonsbrough asked what to do about the parcels that are zoning partially as residential and partially as commercial
 - Mr. Dubiaga said there would have to be a zone change to get the parcel to be one or the other
- Trustee Urchek thanked everyone for taking the time to attend this meeting

A motion was made by Trustee Parke and seconded by Trustee Urchek to pass Board Resolution **034-10** to adjourn the meeting at 8:09pm.

Vote:

Paul Hovis	Yes
Frank Parke	Yes
Don Urchek	Yes

_____ Dated: _____
 Attested by: Fiscal Officer Rita K. Drew

_____ Dated: _____
 Approved by: Chairman Trustee Paul Hovis