

# BURTON TOWNSHIP ZONING COMMISSION

## MEETING MINUTES

14821 Rapids Road | Burton, Ohio 44021 | 440.834.1500

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**Date:** October 11, 2016

**Time:** 7:00 p.m.

**Location:** Burton Township Administration Building

**Purpose:** Monthly Board Meeting

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### CALL TO ORDER

Chairman Gorris called the meeting to order at 7:00 p.m. Members recited the Pledge of Allegiance.

### ROLL CALL

**Board Member(s) Present:** Chairman Nick Gorris, Bill Finzel, Tim Hess, 1<sup>st</sup> Alternate Dan Kotek.

**Absent:** Vice Chairman Snyder, Doug Klingman.

**Visitors:** None.

### REVIEW AND APPROVAL OF MINUTES

The September 13th minutes were provided and reviewed. Board Member Finzel moved to approve the minutes as written, Board Member Hess seconded the motion. All Board Members in favor. None opposed. The motion was passed.

### CURRENT BUSINESS

*Administrative Tasks:* Chairman Gorris confirmed with Secretary O'Neill that all Board Members had name plates. The current 2016 Roster was distributed and reviewed. Chairman Gorris reminds the Board that this information is now public record, and if they do not feel comfortable with their contact information present they should have it removed.

*Medical Marijuana:* Chairman Gorris opens to current business with one of the two memos received from the Geauga County Planning Commission (GCPC). He prompts the Board for questions and comments for discussion. Board Member Hess asks if it is permissible for a property that is deemed agricultural to be covered by H.B. 523. Chairman Gorris states that medical marijuana is not an agricultural exemption by state law. Chairman Gorris goes onto state the 3 options recommended by the GCPC: 1) the Board can leave resolution as is, which will prohibit the use, 2) the Board can amend the resolution to prohibit the use and 3) the Board can amend the resolution to permit the use. Chairman Gorris further clarifies that if the Board decides to permit the use, there would be several details that would need to be determined. For example, in what zones would the use be permitted, would it be a conditional use, how do you enforce it, etc. Board Member Hess comments that at this point that may be difficult to determine due to the status of the laws that are being rewritten to accommodate this

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issue. Both Chairman Gorris & Board Member Hess agree that at this point in time there is no risk in the near future and the Township is covered from a zoning standpoint.

Chairman Gorris attests that Geauga County Prosecutor, Jim Flaiz, will present this issue at the next Geauga County Township quarterly meeting and suggests taking some time to consider the options proposed by the GCPC. In addition, Chairman Gorris states that Director Dietrich of the Geauga County Planning Commission feels that the majority of the Townships will go with option #2. Board Member Hess comments that the Board should consider not limiting Burton Township from an opportunity to create revenue, especially if we can dictate it. Chairman Gorris agrees, but poses the question “do we want to put Burton Township in a position to be that kind of Township”? Board Member Hess responds that it would be nice to get other opinions on this matter, and Chairman Gorris agrees. With this the conversation moves to the second memo from the GCPC, Agritourism.

*Agritourism:* Board Member Hess opens the conversation with an explanation of what Agritourism is. He states that Agritourism is essentially the “you pick” operations, for example the apple orchards, John Bonner – corn maze, bill defines if it is for-profit or not-for profit, it limits civil liability. Gorris references the Ohio Farm Bureau website as a source for more information. <sup>Gorris stated the big</sup> Gorris the big thing with this leave it blank it basically falls under agricultural exemption, which means that the location of the buildings could be anywhere. Reached out to Director Dietrich and asked if the Board could define Agritourism buildings as accessory structures, which would require the structures to be setback from the principal structure. Now <sup>f</sup> for a farm does that become the principal structure, and if so then it would fall under the setback requirements for a principal structure. In the Resolution under Agritourism do we define it to include any buildings will be classified as an accessory structure if there is no accessory structure, the building now becomes the primary structure. I’m for Agritourism, but I don’t want to see buildings popup on the edge of the road for this purpose, then later on the purpose changes and it then it’s a structure for a different use. The only aspect of this issue that we cannot define is the parking lot material.

Chairman Gorris then opens the meeting to comment from the Board on the two memos. Board Member Hess comments on the Medical Marijuana memo that if the state decides that it is legal why should the Board restrict or allow this one way or the other, especially when it comes down to a benefit. If the Board can dictate that this will not become a nuisance, it could be a good thing in moderation.

Board Member Kotek comments on the Agritourism memo that he feels there is more to consider with this issue than what is written in the memo, such as the building and signage. Board Member Hess states that those items are not restricted now, all the memo is suggesting is a definition or amendment.

A Board Member asks if Sunrise Farm would be considered Agritourism? Chairman Gorris states that it would not be considered Agritourism that it is a market, and therefore falls under different regulations. Chairman Gorris continues by stating that the GCPC does not really provide a recommendation on Agritourism, but that he would reach out to Director Dietrich for some guidance. Board Member Kotek asks if the Board feels that it should be restricted? Board Member Hess states that they don’t have the