

BURTON TOWNSHIP BOARD OF ZONING APPEALS

14821 Rapids Road | Burton, Ohio 44021 | 440.834.1500

MEETING MINUTES

Date: October 20, 2020

Time: 7:00 p.m.

Place: Burton Township Administration Building, Zoom Meeting # 846 5754 5818

Purpose: Public Hearing on Application #1502-20, submitted by LMBM Inc.

Board Member(s) Present: Chairman Tim Snyder, Alan Skeen, John Nelson, Leonard Fife, 1st Alternate Frank Vecchio, 2nd Alternate Joe Dallos.

Absent: None.

Attendees: Greg Wasinski (LMBM, Inc.), Carol Szczepanik, Esq., Rick Gruber, Libby Peterson*, James Fox*, Jennifer Fox*. (*denotes Zoom attendance)

PUBLIC HEARING

Chairman Snyder calls the public hearing to order at 7:00 p.m. and recites the in meeting protocols, which were enacted by Order of the Chair during the COVID-19 pandemic. These documents are included as attachments to the minutes to acknowledge as being in effect for this public hearing.

He states the purpose of the hearing, which is to consider application #1502-20, submitted by LMBM, Inc. requesting a conditional zoning certificate for the property located at 14355 Ravenna Road, which spans both Burton & Newbury Townships. The Board will address the Burton Township portion only.

Secretary O'Neill confirms that all adjacent property owners had been notified, as well as the public through newspaper publication. Newspaper notification included the Zoom virtual attendance credentials as well as Covid protocols. No members of the public requested permission to attend in person and no one submitted documentation for consideration as instructed by the Covid protocol notice. Zoom virtual attendance credentials were posted on the door during the meeting. The cell phone number of the Chair was posted on the door during the meeting for any last minute considerations, and no calls were received. No other documentation pertaining to the application had been received, and all in-person attendees were present.

Roll Call of the Board shows Tim Snyder, Alan Skeen, John Nelson, Len Fife, 1st Alternate - Frank Vecchio, 2nd Alternate - Joe Dallos present. 1st Alternate Frank Vecchio will fill in for the open Board Member.

Greg Wasinski, founder and director of LMBM, Inc. is sworn in. He resides at 17651 Mary Oaks Trail, Chagrin Falls, OH 44023. LMBM, Inc. is a 501(c)(3) religious organization, which has been in existence for eleven (11) years. Mission of their Ministry is focused to service people outside the confines of the church in three (3) main ways: inspire individuals through faith, encourage communities working together, and restore the value of family.

The ninety-five acre property will serve as the primary residence for Mr. Wasinski and his family, as well as a bed and breakfast retreat facility. Mr. Wasinski will act as caretaker to the guests and facility. Role is

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to help people find a quiet setting to unplug from all the noise of the world, to assist with growth in their own faith as well as help families reconnect and guide them through the process. This service will account for approximately fourteen (14%) of the ministry's activity. Expected use will be approximately one hundred (100) days of the year for overnight guests and small group presentations. A typical day for overnight guests would be two (2) to four (4) people in a relaxed environment, with breakfast and snacks included. LMBM, Inc. will promote local dining in efforts to give back to the community. Their expectation is no more than six (6) guests for an overnight stay, with a maximum of eight (8) for large families, utilizing three (3) bedrooms. Guests will have the ability to walk the existing trails on the property. No modifications or changes to structures or property will be made. In efforts to retain privacy, day retreats and faith formation sessions will be available by reservation only. There will be some availability for special occasions or holiday parties on their first floor.

Mr. Wasinski reiterates the promotion of local services to guests, such as transportation, dining and retail. Within the home, there will also be a small room set aside for video and audio production. Any signage would be located on the Newbury portion of the property, intended to be discrete and more focused on the logo as opposed to advertising. Mr. Wasinski states the closest property line is two hundred and fifty (250) feet from the home. The closest homes in Burton Township are located half (½) mile East and one third (⅓) mile South East. Dwelling sits two tenths (.21) of a mile from the road.

Mr. Nelson asks if guests will be charged for services received on the property. Mr. Wasinski states that a portion of their revenue will come from overnight reservations from the bed and breakfast, further stating that the ministry services are offered on a donation basis.

Mr. Nelson asks if there is a church affiliated with the organization. Mr. Wasinski testifies that they are founded in the traditions of the Catholic faith, however LMBM is an independent religious organization, and therefore not directly affiliated with a specific church or diocese. Mr. Wasinski states that he is an itinerant (traveling) minister with a basis in scriptural theology.

Chairman Snyder reviews the conditions allowed in Section 402.4 pertaining to a Bed and Breakfast. Chairman Snyder asks Mr. Wasinski to advise if he is in compliance with the following conditions.

1. Residential dwellings in which rooms are rented to paying guests on an overnight basis and breakfast only is provided; the entire service to be included in one stated price. **Mr. Wasinski - yes.**
2. Conditions for Bed and Breakfast: A bed and breakfast use shall conform with all of the following conditions:
 - a. The Bed and Breakfast shall be owner-operated it must be the principal residence of the owner, and occupied by the owner. There shall be no more than one Bed and Breakfast on a lot. **Mr. Wasinski - yes.**
 - b. No more than three (3) rooms shall be rented. Each room rented shall contain a minimum of one hundred (100) square feet. **Mr. Wasinski - yes.**
 - c. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure or building. **Mr. Wasinski - yes.**
 - d. No cooking facilities of any type shall be permitted in the rented rooms. **Mr. Wasinski - yes.**

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- e. Such parking spaces shall not be located in front of the principal dwelling on a lot. **Mr. Wasinski - yes.**
- f. No change to the outside appearance of the dwelling shall occur as a result of the operation of the Bed and Breakfast facility. **Mr. Wasinski - yes.**
- g. One (1) sign not exceeding four (4) square feet per sign face in area shall be permitted. The sign shall conform to Article VII. **Mr. Wasinski - yes, however any sign will reside in Newbury Township.**
- h. Comply with all governmental regulations pertaining to health and safety, including written evidence of the approval for water and sewer facilities, as well as regulations for the zoning district in which it is located. **Mr. Wasinski - yes. Mr. Nelson asks if the sewer facilities are able to accommodate the twenty five (25) people that could be on the property at a given time. Rick Gruber, Zoning Inspector, residing at 14369 Broadwood Drive in Burton Township is sworn in. Mr. Gruber states that requirement falls under the scope of the health department, which would be the entity to grant permission for that amount of people. The sale of the property is pending the approval of the Board's decision. Mr. Gruber states that once the sale of the property is final, the health department will be able to validate compliance with the regulations.**
- i. Renewal of the conditional zoning certificate is pursuant to Article V Section 503.0(B) of the Burton Township Zoning Resolution. **Mr. Wasinski - yes.**
- j. Any other reasonable condition deemed appropriate by the Zoning Board of Appeals. **Not applicable.**
- k. If the foregoing conditions have been violated by the owner thereof, the Conditional Zoning Certificate may be revoked after a hearing by the Zoning Board of Appeals in accordance with the procedures set forth in Section 1002.2. **Mr. Wasinski - yes.**
- l. A new Conditional Zoning Certificate for a bed and breakfast must be applied for within thirty (30) days after a change of ownership in accordance with this resolution. **Mr. Wasinski - yes.**

With no further questions from the Board, Chairman Snyder moves on to review the general standards for conditional uses in Section 505.0 of the Zoning Resolution. Chairman Snyder asks Mr. Wasinski to advise how he will satisfy the following conditions.

- A. The location, size and intensity of the proposed use shall be considered in relationship to the size and location of the site. **Mr. Wasinski states the property is slightly over ninety three (93) acres, the home is approximately thirty nine hundred (3,900) square feet and they will utilize the area mostly around the house as well as the walking trails.**
- B. The proposed roads and other means of ingress and egress are of adequate width and condition to accommodate expected vehicular traffic to be generated by the proposed use and are reasonably constructed to permit access by fire fighting, police, ambulance and other safety vehicles and will not interfere with traffic on adjacent thoroughfares. **Mr. Wasinski states that the fire department has used this property for training, therefore vehicles are**

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able to access the driveway. A significant amount of vehicular traffic is not expected.

- C. The size and number of proposed off-street parking spaces and loading/unloading spaces (if applicable) are adequate and are in accordance with the provisions of article VI of this resolution. ***Mr. Wasinski testifies there are two (2) parking areas, one for four (4) vehicles and another for seven (7) vehicles, which are located close to the home. No more than eleven (11) vehicles at a time is anticipated. Mr. Gruber, Zoning Inspector, states that the Zoning Resolution requires one (1) parking space per bedroom.***
- D. The type, size, location and number of proposed signs are in accordance with the provisions of article VII of this resolution. ***Mr. Wasinski reiterates there will be no sign in Burton Township, this property is partially in Newbury Township, which is where the sign would reside. The portion in Newbury Township has nothing on the land other than the driveway and to Mr. Wasinski's knowledge is in accordance with Newbury's zoning.***
- E. The proposed use will be compatible with the township land use plan. ***Mr. Wasinski states "yes".***
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. ***Mr. Wasinski testifies there will be no loud music or concerts. Mr. Nelson asks about the nature of the guests as to drugs and alcohol. Mr. Wasinski states that the Bed and Breakfast is not a substance abuse oriented operation.***
- G. The proposed use will be served adequately by essential public facilities including roads, police and fire protection, drainage structures, refuse disposal, water and sewage disposal facilities, and schools, or that the applicant shall be able to adequately provide such services. Proof of compliance with applicable codes and regulations pertaining to the protection of the public health and safety including fire, sanitary sewage, water supply, erosion control, and storm water runoff may be required. ***Mr. Wasinski states that inspections have been done, everything has been approved and is in working condition.***
- H. The proposed 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. ***Mr. Wasinski does not believe that the use will impose on public services and also reiterates the promotion of local businesses to the retreatants.***
- I. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person's property or the general welfare. ***Mr. Waskinski agrees. Chairman Snyder states for the record there are no members of the public in attendance, either in person or via Zoom with objections to the use.***
- J. The proposed use will not result in the destruction, loss or damage of a natural, scenic or

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historic feature of major importance. ***Mr. Wasinski states this is correct. There are no plans to change the existing property.***

Chairman Snyder asks about the probability of events such as picnics and parties. Mr. Wasinski states that is not the intention of the facility, however there may be an opportunity for a donors' picnic or a friend of the ministry to host a small event. The intent is to keep the number around twenty (20) guests.

At 7:40 p.m. Jennifer and James Fox, adjacent property owners, at 14362 Ravenna Road, Newbury Ohio join the meeting via Zoom. Mr. Fox states that he is in attendance to gain knowledge on the organization of the new owners (LMBM). Clarification of the purpose of the hearing is provided to Mr. & Mrs. Fox. Mr. Fox asks if the granting of the conditional use will change the primary use of the property from residential to commercial. Mr. Gruber, Zoning Inspector, states this process will not change the zoning of the property, and it will remain residential.

With no further questions from the Board and no other testimony, Chairman Snyder closes for private deliberation at 7:46 p.m.

The public portion of the hearing reopens at 7:55 p.m. and Chairman Snyder entertains a motion.

In the matter of application #1502-20, Mr. Vecchio makes a motion that the Applicant, LMBM, Inc. be granted a conditional use zoning certificate for a period not to exceed two (2) years at which time they may reapply for the property located at 14355 Ravenna Road, Newbury, OH 44065 for the use as a Bed and Breakfast Retreat.

Mr. Nelson seconds the motion. Chairman Snyder calls for discussion. Mr. Vecchio suggests adding the Burton Township parcel number as the property address resides in Newbury Township. Mr. Skeen suggests adding Section 402.4 of the Zoning Resolution that the use pertains to.

After discussion, Mr. Vecchio amends his motion. Mr. Vecchio makes a motion that the Applicant, LMBM, Inc. be granted a conditional use zoning certificate for a period not to exceed two (2) years at which time they may reapply for the property located at 14355 Ravenna Road, Newbury, OH 44065, Burton Township Parcel #04-077950 for the use as a Bed and Breakfast Retreat in accordance with Article IV, Section 402.4.

Mr. Nelson seconds the amended motion. Chairman Snyder calls for discussion. With no discussion the motion is called to a vote:

Roll Call Vote: Tim Snyder - yes, Alan Skeen - yes, John Nelson - yes, Len Fife - yes, Frank Vecchio - yes. All in favor. None opposed. Motion carries and request is granted.

Chairman Snyder entertains a motion to accept the Findings of Facts as discussed during private deliberation. Mr. Vecchio makes a motion to accept as written.

Mr. Skeen seconds the motion. Chairman Snyder calls for discussion. With no discussion on the motion it goes to a vote.

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Roll Call Vote: Tim Snyder - yes, Alan Skeen - yes, John Nelson - yes, Len Fife - yes, Frank Vecchio - yes. All in favor. None opposed. Motion carries.

With nothing further to discuss Chairman Snyder concludes the public hearing at 8:05 p.m.

OTHER BUSINESS

Board reviews the meeting protocol. No changes are made at this time. Mr. Vecchio will be bringing an interested resident to the next meeting for the open Board Member position.

NEXT MEETING

The next schedule meeting will be Thursday, October 22, 2020 at 7:00 p.m. for the consideration of application #1492-20 submitted by Peninsula Architects & Western Reserve Land Conservancy.

ADJOURNMENT

With no further business to discuss, Chairman Snyder entertains a motion to adjourn. Mr. Nelson so moves. Mr. Dallos seconds the motion. Voice vote: All in favor and the meeting concludes at 8:29 p.m.

 10-27-2020
Chairman, Timothy Snyder Date

 10/27/20
Secretary, Katie O'Neill Date

The following in-meeting protocol will be followed for Burton Township Board of Zoning Appeals Meetings during the COVID-19 pandemic, subject to change.

By Order of the Chair, the Burton Township Board of Zoning Appeals is enacting changes to the public hearing process due to Coronavirus/COVID-19 and in accordance with Ohio HB 197, §12, subject to change. The BZA shall follow all legal requirements for Ohio public meetings with the following adjustments:

Given Coronavirus/COVID-19 considerations, the Burton Township BZA will follow a hybrid electronic meeting platform via Zoom. The Township Hall doors shall remain locked during the meeting: only board members, Township officials, applicants, applicant's attorney if applicable, and invited guests will be permitted entry. No one else will be admitted subject to decisions by the Chair.

All witnesses, affected adjacent property owners, and members of the public shall attend via Zoom or contact the Zoning Secretary at Katie.BurtonTownship@gmail.com, 440-834-1500 for consideration of in-person attendance pending space, health, and safety limitations. Requests for in-person attendance must be received at least 72 hours before the hearing to be considered. Persons who do not have internet services may attend by phone or contact the Zoning Secretary for additional accommodations.

All documents to be offered or discussed during the hearing must be received at least 72 hours before the hearing. Anyone wishing to submit documentation may do so by either: Email: Katie.BurtonTownship@gmail.com or U.S. Mail to: P.O. Box 355, Burton, OH 44021.

Meeting notices and Zoom instructions will be posted on the front door to the Township Hall as well as instructions how to contact the Chair during the meeting for special consideration to be admitted into the Township Hall to attend in-person.

In person attendees are recommended to wear facial coverings in accordance with the Ohio Governor's Mask Mandate due to Coronavirus/COVID-19.

By order of the Chair:

Timothy H. Snyder, Chair, Burton Township Board of Zoning Appeals
(issued 10/20/2020@1038-hours)

ATTENTION:

A Burton Township Board of Zoning Appeals Meeting is in progress.

Please do not knock on the door; no one will answer as doors are locked pursuant to COVID-19 safety protocol.

You can attend via Zoom by computer, smartphone, or phone; access instructions are posted on this door.

If you would like immediate attention/consideration, please call or text the Chair of the BZA during the meeting at 440-834-5000.