

BURTON TOWNSHIP

BOARD OF ZONING APPEALS

14821 Rapids Road | Burton, Ohio 44021 | 440.834.1500

MEETING MINUTES

Date: January 21, 2021

Time: 7:00 p.m.

Place: Burton Township Administration Building

Purpose: Organizational and Administrative Meeting

Board Member(s) Present: Tim Snyder, Alan Skeen*, 1st Alternate Frank Vecchio (*denotes Zoom attendance).

Absent: John Nelson, Len Fife (excused), 2nd Alternate Joe Dallos (excused).

Attendees: None.

CALL TO ORDER & ROLL CALL

Mr. Snyder calls the meeting to order at 7:20 p.m. Mr. Snyder, Mr. Skeen and Mr. Vecchio are present. Mr. Vecchio will be filling the open position to constitute a quorum for this meeting.

Newspaper notification included the Zoom virtual attendance credentials. No members of the public requested permission to attend in-person. 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.

At the Trustee's meeting held January 4, 2021 both Mr. Skeen and Mr. Dallos were approved for another term. The new terms for Mr. Skeen and Mr. Dallos will end December 31, 2025 and December 31, 2022, respectively. There are no attendees in the meeting, therefore no public comment.

REVIEW AND APPROVAL OF MINUTES

The minutes from October 22, 2022 (#1492-20, Peninsula Architects) public hearing are reviewed by the Board. Mr. Vecchio moves to approve the minutes as written. Mr. Skeen seconds the motion. No discussion.

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

The minutes from the October 27, 2020 (#1497-20, Voorhees) public hearing are reviewed by the Board. There are grammatical changes discussed and accepted by the Board. With these changes made, Mr. Vecchio moves to approve the minutes as rewritten. Mr. Skeen seconds the motion.

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

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CURRENT BUSINESS

Organizational Items: Mr. Snyder entertains nominations for Chairman for the 2021 term. Mr. Skeen nominates Tim Snyder as Chairman for 2021. Mr. Vecchio seconds the nomination.. With no discussion, the nomination is brought to a vote.

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

Chairman Snyder entertains a nomination for Vice Chairman for 2021 term. Mr. Vecchio nominates Alan Skeen as Vice Chairman for 2021. Chairman Snyder seconds the nomination. With no discussion, the nomination is brought to a vote.

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

Chairman Snyder moves to appoint Katie O'Neill as Secretary for 2021 term. Mr. Skeen seconds the motion. With no discussion, the motion is brought to a vote.

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

Chairman Snyder moves to approve the salary set forth by the Trustees for the Secretary position for 2021 term. Mr. Vecchio seconds the motion. With no discussion, the motion is brought to a vote.

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

For the record, Chairman Snyder re-states that although he is a licensed attorney, he cannot provide legal advice to the Board of Zoning Appeals as an acting member of the Board.

OTHER BUSINESS

Application #1504-20, Cleveland Radio Controlaires: Chairman Snyder shares with the Board an emailed opinion from legal counsel, APA Kristen Rine, after her review of Township's records: it is her opinion that the Board is unable to move forward with granting a conditional use permit under the circumstances of the current application. With that said, the next step resides with the appellant and its legal counsel. (Snyder provided a printed copy of the emailed opinion attached hereto as a record to the minutes.)

NEXT MEETING

As there are no new applications to review, the next meeting will be scheduled as needed.

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MEETING MINUTES

ADJOURNMENT

With no further business to discuss, Chairman Snyder entertains a motion to adjourn. Mr. Vecchio so moves. Mr. Skeen seconds the motion. Voice vote: All in favor and the meeting concludes at 7:58 p.m.

Chairman, Timothy Snyder Date

Secretary, Katie O'Neill Date

From: KRine@CO.GEAUGA.OH.US,
To: snyderatlaw@netscape.net,
Subject: RE: Follow-up on BZA hearing
Date: Thu, Jan 21, 2021 12:56 pm

Good afternoon Tim,

I am following up on this matter from December. At this point, I have had an opportunity to review the Township records in this case and I have also gone back and reviewed prior versions of the Township's zoning resolution dating back to 1988. My apologies for the delay, but it has taken sometime to review the records involved.

As a part of this review, it is my opinion that a conditional use permit cannot be granted in this case. A conditional use is a type of use that is specifically enumerated in a township's zoning resolution and looking to Section 402.4 of the Township's current resolution, this use doesn't fit any of the specifically enumerated conditional uses. This is also true when I review the 1988 version of the Township Zoning resolution, which was in place when the conditional use permit was first granted.

It is my opinion that procedurally, the Board of Zoning appeals cannot grant a conditional use permit under these circumstances. I will limit my analysis to that piece at this point, as that is the only thing pending before the board at this time. I have discussed this briefly with Mr. Ibold, and I think the ball is in his and his client's court as to how they would like to move forward. They can choose to go forward with the application, withdraw the application, and/or resubmit the application as something different (such as a variance or zoning inspector error depending on the circumstances).

Sincerely,

Kristen Rine

Assistant Prosecuting Attorney

Geauga County Prosecutor's Office

231 Main Street, Chardon, Ohio

440.279.2100

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From: Timothy H. Snyder, Esq. <snyderatlaw@netscape.net>
Sent: Friday, December 4, 2020 2:24 PM
To: Rine, Kristen <KRine@CO.GEAUGA.OH.US>
Subject: Re: Follow-up on BZA hearing

Greetings Krissy:

I shall do, thank you.

[Back to Mail](#)

[Not Spam](#)

[Keep as New](#)

[Restore](#)

Thank you & best wishes!

Timothy H. Snyder, Esq.
Attorney & Counsellor-At-Law
440/ 834-5000

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-----Original Message-----

From: Rine, Kristen <KRine@CO.GEAUGA.OH.US>
To: Timothy H. Snyder, Esq. <snyderatlaw@netscape.net>

Sent: Fri, Dec 4, 2020 2:10 pm
Subject: Follow-up on BZA hearing

Good afternoon Tim,

I wanted to follow-up on the postponed hearing from this week. In order to properly advise the Township on this issue, I will need to see all of the Township records related to this particular parcel/issue and this use. When speaking to Mr. Ibold, his client said that they have been operating for about 40 years at this location and sometime in the early '90s the Township first approached the club about the use. Can you arrange for a copy of the records be made available to me so that I can pick them up from someone in the Township – hopefully sometime in the next 2 weeks?

Thanks,

Kristen Rine
Assistant Prosecuting Attorney
Geauga County Prosecutor's Office
231 Main Street, Chardon, Ohio
440.279.2100

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