

# BURTON TOWNSHIP ZONING COMMISSION

14821 Rapids Road | Burton, Ohio 44021 | 440.834.1500

## MEETING MINUTES

---

**Date:** July 10, 2023

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

**Location:** Burton Township Administration Building

**Purpose:** Regular Meeting

---

### CALL TO ORDER

Mr. Hess called the meeting to order at 7:02 p.m. Members recited the Pledge of Allegiance.

### ROLL CALL

Commissioner(s) Present: Tim Hess, Nick Gorris, Dan Kotek, Greg Rinehart, Kevin Cieszykowski, Secretary - Katie O'Neill.

Absent: Mark Sturm & Joe Walkos - excused.

Attendees: Tim Snyder.

Mr. Rinehart & Mr. Cieszykowski filled in for excused Commissioners Mr. Sturm & Mr. Walkos, respectively.

### REVIEW AND APPROVAL OF MINUTES

Minutes from the May 8th, 2023 meeting are reviewed. Minor spelling errors on pages 2 & 3 were corrected. Mr. Hess made the motion to accept the minutes as rewritten. Mr. Kotek seconded the motion. Voice Vote: All in favor. None opposed. Motion approved.

### PUBLIC COMMENT

Tim Snyder, Chairman of the BZA, was present to discuss a potential revision to Section 906.0 Extension, suggested by the BZA. He explained the revision would permit any building or structure to be enlarged or altered consistent with the existing degree of nonconformity. For example, if the primary dwelling on a property is setback at 70 feet, with a 120 foot setback requirement, an accessory structure may be constructed at a setback of 70 feet or more. Mr. Snyder explained that this revision would clarify the zoning resolution, and in addition enhance the effectiveness of the variance application process, by eliminating the need for a variance.

Mr. Rinehart felt that this change would set a precedent within the township. He stated that the purpose of zoning is to have all properties conform if given the opportunity. Using the previous

# BURTON TOWNSHIP ZONING COMMISSION

14821 Rapids Road | Burton, Ohio 44021 | 440.834.1500

## MEETING MINUTES

---

example, Mr. Rinehart asked if the dwelling had to be rebuilt, would the setback be at 70 feet or revert back to the 120 foot requirement? In his opinion, the new structure should be built to current regulations at 120 feet.

Mr. Gorris also voiced his concerns, stating that this change could increase the number of nonconforming lots of record. He explained if two nonconforming structures existed on a large parcel, potentially the parcel could be split to create two nonconforming lots of record.

Further discussion ensues amongst the Commission.

Mr. Hess makes a motion to approve the revision to Section 906.0 Extension, as provided by the BZA. Mr. Rinehart seconds the motion. With no further discussion the motion goes to a vote.

Roll Call Vote: Mr. Hess - no, Mr. Gorris - no, Mr. Kotek - no, Mr. Rinehart - no, Mr. Cieszyowski - no. None in favor. All opposed. Motion is denied.

### UNFINISHED BUSINESS

*Cloud Based Platform:* The DropBox Professional account has been set up. Secretary O'Neill has transferred all the files. Going forward all documentation for meetings will be available as "read only" for the Commissioners to utilize at their convenience.

*Map & Legal Description Amendment:* The JEDD Agreement & Annexation Document are available on the DropBox. The Commission will review these documents and discuss them at the next meeting.

*Fence Permit on Rt. 168/Tavern Rd:* The property located at 15864 has installed a non-conforming fence on the property. Inspector Gruber has been notified and will follow up with the owner.

*Conditional Buildings, Structures & Uses ("\*NOTE" located in Section 402.4 on pages 77-79):* The Commission reviewed the prior versions of the Resolution to see when "\*NOTE" was added. In 1999, zoning adopted what appears to be a version of the model zoning resolution. The "\*NOTE" section has not changed since this time. The Commission decided to leave as is.

### NEW BUSINESS

*Short Term Rental (aka Airbnb, Air B&B):* Commission discussed their respective townships. Only two called out this item, Bainbridge & Auburn, neither township permits them. Mr. Gorris will research the Planning Commission's recommendation on this item for next meeting.

# BURTON TOWNSHIP ZONING COMMISSION

14821 Rapids Road | Burton, Ohio 44021 | 440.834.1500

## MEETING MINUTES

---

### BZA CONSIDERATIONS

DENIED - BZA will consider Application #1594-23, submitted by Daniel Burbridge on Wednesday, May 17th at 7:00 p.m. Applicant is requesting a Conditional Use Certificate for a Home Occupation related to online sales. This request is made for the property located at 14596 Broadwood Dr. (R-5)

GRANTED - BZA will consider Application #1596-23, submitted by Phil Miller at a scheduled hearing date to be determined. Applicant is requesting an Area Variance for a side yard setback, seeking relief from Section 402.7(A)(2). This request is made for the property located at 14770 Aspen Hills Ln. (R-3)

GRANTED - BZA will consider Application # 1598-23, submitted by K.R. Burnett Family Trust at a scheduled hearing date to be determined. Applicant is requesting an Area Variance from the minimum lot area, seeking relief from Section 402.5 in order to increase the area of legal nonconforming parcel to 2.05 acres and increase frontage by 120'. This request is made for the property located at 15229 Claridon Troy Rd. (R-5)

### RESEARCH TOPICS

*Definitions & Zoning for Passive Public Park (Homework):* The Commission discussed their findings from other townships. Chardon and Montville call out active parks but nothing on passive. Claridon does not call out parks at all. The Commission decided to continue their research and discuss at the next meeting.

### NEXT MEETING

The next meeting will be held on Monday, August 14th, 2023 at 7:00 p.m.

### ADJOURNMENT

With no further business, Mr. Hess makes a motion to adjourn the meeting at 8:34 p.m. Mr. Kotek seconded the motion. Voice vote: All in favor. None opposed. Motion approved.



Chairman, Tim Hess

8/14/23

Date



Secretary, Katie O'Neill

8/14/23  
Date