

2021 ZC Minutes

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JANUARY 27, 2021

The Perry Township Zoning Commission held a regular meeting on January 27, 2021. Chairman Mark Welch, Chris Corfias and Nick Giegerich attended the meeting. Zoning Inspector Siegel, Township Trustee Rick Amos and George Smerigan also attended the meeting.

After Chairman Welch called the meeting to order, the board discussed the minutes from the July 15, 2020 meeting. Chris Corfias made a motion to accept the minutes as written. The motion was seconded by Nick Giegerich. POLL OF THE BOARD: 3 ayes. MOTION UNANIMOUS. The February 13, 2019 meeting minutes were not discussed because there was still not a quorum of members who attended that meeting.

Next, the floor was opened for nominations for Zoning Board Chairman for the 2021 term. Nick Giegerich nominated Mark Welch to retain the chairman position. The nomination was seconded by Chris Corfias. There being no other nominations, Nick Giegerich made a motion to close the nominations for Board Chairman. Chris Corfias seconded the motion. POLL OF THE BOARD: 3 ayes. MOTION UNANIMOUS. The board opened the floor for nominations for Vice Chairman. Nick Giegerich nominated Chris Corfias and Chairman Welch seconded the motion. Nick Giegerich motioned to close the nominations and the motion was seconded by Chairman Welch. POLL OF THE BOARD: 3 ayes. MOTION UNANIMOUS. The board voted to retain Mark Welch as Chairman and Chris Corfias to serve as Vice Chairman. POLL OF THE BOARD: 3 ayes.

George Smerigan told the board that Bill Dawson purchased the undeveloped portion of the original Azalea Ridge project. Mr. Dawson is considering a senior housing project or single family homes sitting two per acre. Mr. Smerigan reminded the board that Mr. Dawson is the fourth owner of the parcel. He noted that no plans have been approved before, so at this time, development is restricted by current zoning regulations.

Zoning Inspector Siegel gave the board an overview of the proposed Lane Rd. PUD. He said that the issues that were discussed in July have not been addressed, with one major issue almost making the development “dead on arrival” and that issue is that there is no easy access to sewer. He said the

developer would like to put in a package plant, but the township and the county concur that any development would have to tie in to the sewer system. He said that some type of soil remediation at the junk yard is probable. Inspector Siegel pointed out that it would be practically impossible to recoup the cost of tying into the sewer lines with the amount of houses that could be built on the property. Inspector Siegel also told the board that Knez sold all of his lots on River road with homes in various stages of construction and that some of the lots on Rt. 84 have sold.

The board discussed adding zoning code regulating garage sales and home-based businesses. George Smerigan told the board he would write some regulations as a starting point for the board and have it ready for the next meeting.

The board scheduled a regular meeting on March 10th at 6:30 p.m. at the Township Offices.

* The meeting was later changed to March 18th at 6:30 p.m. due to scheduling conflicts.

There being no further business, Chris Corfias made a motion to adjourn the meeting and the move was seconded by Nick Giegerich. POLL OF THE BOARD: 3 ayes. MOTION UNANIMOUS. Chairman Welch adjourned the meeting.

(adopted March 18, 2021)

MARCH 18, 2021

The Perry Township Zoning Commission held a regular meeting on March 18, 2021. Chairman Mark Welch, Vice Chairman Chris Corfias and Tom Barrett attended the meeting. Zoning Inspector Siegel, Township Trustee Rick Amos and George Smerigan also attended the meeting.

After Chairman Welch called the meeting to order, the board discussed the minutes from the February 13, 2019 meeting. Chris Corfias made a motion to accept the minutes as written. The motion was seconded by Tom Barrett. POLL OF THE BOARD: 3 ayes. MOTION UNANIMOUS. Next the board discussed the minutes for the January 27, 2021 meeting. Chris Corfias made a motion to accept the minutes as written. The motion was seconded by Tom Barrett. POLL OF THE BOARD: 3 ayes. MOTION UNANIMOUS.

George Smerigan presented some amendment drafts for zoning regulations pertaining to garage sales and home businesses. Vice Chairman Corfias said that he assumed that the regulations were meant to curb abuses of season-long garage sales rather than trying to regulate residents from having a home-based business. Tom Barrett questioned whether the board should require a permit that is free of cost for garage sales. Rick Amos said that he thought that requiring a permit for garage sales would put undue responsibility on our residents to have to come to the Township Office during business hours to fill out paperwork for the permit. He reminded the board that the Zoning Inspector is reactive rather than proactive, meaning that if someone is breaking a zoning regulation, but none of his/her neighbors are offput and there is not a public hazard, the Zoning Inspector will likely not act on the issue. The board agreed that they did not want to discourage residents from having a garage sale or a home-based business that did not infringe on the rights of their neighbors. The main objective of the regulations was to curb abuse of this. Season-long garage sales become a neighborhood nuisance and a safety hazard.

The board asked Mr. Smerigan to add a time range to clean up paraphernalia from their yard after the garage sale has ended and to assign responsibility to the residence hosting the garage sale to remove any signs that may have been posted. Mr. Smerigan said he would have a proposed amendment, with the items decided at tonight's meeting included, to the board before the next meeting.

Zoning Inspector Siegel reported to the board that the proposed Lane Rd. development is completely off the table now because Losely Nursery is leasing the property for five years.

The board scheduled a regular meeting on April 28th at 6:30 p.m. at the Township Offices. There being no further business, Chris Corfias made a motion to adjourn the meeting and the move was seconded by Tom Barrett. POLL OF THE BOARD: 3 ayes. MOTION UNANIMOUS. Chairman Welch adjourned the meeting.

(adopted April 28, 2021)

APRIL 28, 2021

The Perry Township Zoning Commission held a regular meeting on April 28, 2021. Chairman Mark Welch, Vice Chairman Chris Corfias, Randy Vermilya and Tom Barrett attended the meeting. Township Trustee Rick Amos and George Smerigan also attended the meeting.

After Chairman Welch called the meeting to order, the board discussed the minutes from the March 18, 2021 meeting. Chris Corfias made a motion to accept the minutes as written. The motion was seconded by Tom Barrett. POLL OF THE BOARD: 3 ayes, 1 abstain MOTION PASSED.

Chairman Welch acknowledged the draft of the garage sale regulations that George Smerigan disbursed to the board members prior to the meeting and opened the subject up for discussion:

**AMEND SECTION 301.04 SPECIAL PROVISIONS APPLICABLE TO RESIDENTIAL DISTRICTS BY ADDING SUBSECTION H TO READ AS FOLLOWS:
SECTION 301.04 SPECIAL PROVISIONS APPLICABLE TO RESIDENTIAL DISTRICTS**

1. Garage, Yard, and Estate Sales

(1) Garage, yard, and estate sales shall be permitted up to a maximum of four (4) such events per calendar year on any single lot.

(2) The maximum duration of any garage, yard, or estate sale shall be three (3) consecutive days during daylight hours only.

(3) A zoning certificate shall not be required for a garage, yard, or estate sale.

(4) All displayed merchandise, tables, tents, signs, and other paraphernalia associated with such sales shall be removed immediately upon completion of the event.

Vice Chairman Corfias questioned if it would be too difficult for the Zoning Inspector to enforce or keep track of residents having four sales per year. George Smerigan responded that the Zoning Inspector could keep notes or complaining neighbors could testify if a problem escalated to that level.

There being no other concerns or questions about the proposed amendment, Chris Corfias made a motion to approve the amendment, set a date for a public hearing on the subject and send the proposed amendments to the Lake County Planning Commission for its input. The motion was seconded by Randy Vermilya and passed by unanimous decision.

George Smerigan informed the board that he had just received an engineering plan for the PUD portion of the Azalea Ridge subdivision. He explained that it fits into the parameters of the PUD overlay that was previously approved by

the board, the developer will not have to come before the Zoning Commission. Any changes outside of the current land use approval will require approval by the board.

The board scheduled a public hearing immediately followed by a regular meeting on June 9th at 6:30 p.m. at the Township Offices. There being no further business, Chris Corfias made a motion to adjourn the meeting and the move was seconded by Tom Barrett. POLL OF THE BOARD: 3 ayes. MOTION UNANIMOUS. Chairman Welch adjourned the meeting.

(adopted June 9, 2021)

June 9, 2021

The Perry Township Zoning Board held a public hearing immediately followed by a regular meeting on Wednesday, June 9, 2021 at the township offices. Chairman Mark Welch, Vice Chairman Chris Corfias, Tom Barrett and Randy Vermilya were in attendance. Zoning Inspector Wally Siegel, Township Trustee Rick Amos and George Smerigan also attended the meeting.

Mark Welch called the Public hearing to order. He read the proposed amendment. The board and the township did not receive a written response as of the meeting date. Mark Welch and Wally Siegel serve on the Lake County Planning Commission boards and they gave a synopsis of their respective board's discussion of the amendment. Mark Welch said that someone on his committee suggested calling the sales pre-owned sales or personal property sales instead of garage and estate sales. The board did not agree that this change should be made. Wally Siegel said that there were no suggestions for changes to the amendment at his meeting. There were no residents in attendance at the meeting so there was no public input on the matter. Vice Chairman Corfias made a motion to adjourn the public hearing portion of the meeting and convene to a regular meeting. The motion was seconded by Tom Barrett. The motion passed by unanimous decision. Chairman Welch adjourned the public hearing.

After Chairman Welch called the regular meeting to order, the first item of business was a review of the April 28, 2021 meeting minutes. Vice Chairman Chris Corfias motioned to accept the minutes into record as presented. The motion was seconded by Tom Barrett and passed by unanimous decision.

Vice Chairman Chris Corfias made a motion to send the proposed amendment to the Township Trustees and recommend that they adopt it. The motion was seconded by Randy Vermilya. The motion was passed by unanimous decision.

George Smerigan told the board that Dawson Builders will be presenting a preliminary plan for the final stage of the Azalea Ridge development. George Smerigan said that Bill Dawson is planning on a single family PUD, which is how the property is currently zoned. He said that they will need a variance because the plan calls for a cul d'sac instead of a street going through to Route 20. Both Wally Siegel and George Smerigan believe that ending the road in a cul d'sac is the best and safest option for the community. This is counter to Lake County regulations and will require a variance for fire protection purposes.

The board scheduled a meeting for Wednesday, July 14th at 6:30 p.m. at the township offices.

There being no further business, Randy Vermilya moved to adjourn the meeting and the motion was seconded by Tom Barrett. The motion passed by unanimous decision. Chairman Welch adjourned the meeting.

Respectfully submitted,

Mark O. Welch, Chairman

Laura Stegman, Secretary

July 14, 2021

The Perry Township Zoning Board held a regular meeting on July 14, 2021. Chairman Mark Welch, Vice Chairman Chris Corfias, Randy Vermilya, Nick Giegerich and Tom Barrett attended the meeting. George Smerigan, Township Trustee Rick Amos and Zoning Inspector Wally Siegel were also in attendance. Members of Barrington Consulting Group as listed on the attendance sheet were also at the meeting.

The meeting was called to order and Vice Chairman Chris Corfias made a motion to enter the June 9th, 2022 minutes into record as written. The motion was seconded by Tom Barrett. POLL OF BOARD: 4 Ayes (Nick Giegerich abstained) Motion Passed.

Next, George Smerigan introduced David Novak of Barrington Consulting Group. He presented a preliminary plan to develop the final phase of Azalea Ridge. The original plan that was okayed by the zoning board had 61 units, the Barrington plan reduced the number of units to 33. The plan provides 40% green space. The property already has water and sewer lines run. The plan calls for a public streets rather than private streets.

George Smerigan followed up to Mr. Novak's comments. He confirmed that the streets will be curb and gutter and that the plan complies with density and open space requirements. Also, the development plan does not cut through to State Route Twenty, there will be a dead end cul d'sac. The Zoning Inspector and Trustees believe that this plan best serves the safety of the community and the residents of Azalea Ridge. He also said that the residents of Azalea Ridge built there with the understanding that it is not a through street. The developer will have to get a waiver at the county level to have a cul d'sac rather than a through street due to fire code.

Chris Corfias suggested moving lots 1-7 to close the gap between lot 7 and lot 8 to provide some green space at lot 1. The Barrington team agreed that could be done. Chris Corfias asked if there would be a homeowners' association and the Barrington team confirmed there will be and that the developer will manage it until the lots have all been sold and then it will convert to the homeowners to manage.

Chris Corfias asked the Barrington team to explain how allowing smaller, denser lots is beneficial to the township and its residents. George Smerigan reminded him that the development has less units than has already been approved by the board for this property. David Novak said that developed property raises the property values of adjacent properties.

Chairman Mark Welch asked if the developer planned for asphalt or cement roads. The Barrington team said that they would defer to the wishes of the Zoning Board, but either way they will be curb and gutter.

Chris Corfias asked about landscape buffers. The Barrington team said the 40% buffer will not hide the development from the outside but landscaping will match what is already used in the other phases of the development in size and material.

Chris Corfias made a motion to grant preliminary site approval of an amendment to the general development plan with the requirement that lots 1 through 7 are shifted to reduce the size of the sewer easement between lots 7 and 8 and enlarge open space next to lot 1. Tom Barrett seconded the amendment. POLL OF BOARD: 5 Ayes. Motion Unanimous.

There being no further business, Randy Vermilya made a motion to adjourn. The motion was seconded by Nick Giegerich. POLL OF BOARD: 5 Ayes. Motion Unanimous.

Respectfully Submitted,

Mark Welch, chairman of the board

Laura Stegman, secretary