

2018 ZC Minutes

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May 23, 2018

The Perry Township Zoning Board held a regular meeting on Wednesday, May 23, 2018 at the the Township Offices. Chairman Mark Welch, Art Zentgraf, Chris Corfias and alternate Tom Barrett were present. Zoning Inspector Wally Siegel, Township Trustee Rick Amos and George Smerigan also attended the meeting.

After Chairman Welch called the meeting to order, the first item of business was a review of the June 15, 2017 meeting minutes. Art Zentgraf motioned to accept the minutes into record as presented. The motion was seconded by Tom Barrett. Poll of Board: 3 Ayes. Chris Corfias abstained from voting. MOTION PASSED.

Next, Chairman Welch opened the floor for nominations for board chairman and vice chairman for the 2018 year. Art Zentgraf nominated Mark Welch for chairman and Randy Vermilya for vice chairman. The nomination was seconded by Tom Barrett.

There being no further nominations, Tom Barrett made a motion to close the nominations and Art Zentgraf seconded it. Chairman Mark Welch motioned to take a vote to retain Mark Welch as chairman and Randy Vermilya as vice chairman. The motion was seconded by Tom Barrett. The motion passed by unanimous decision.

Next, the board entered into a discussion concerning regulations for raising chickens on residential property. Rick Amos said that the township has received complaints from neighbors of people raising chickens in their residential neighborhoods. Rick Amos expressed his opinion that the township needs regulations that limit the affects on neighbors but are not an attempt to discourage the practice. Chairman Welch suggested banning roosters because they are noisy and a nuisance. When asked, Wally Siegel said that a fence has to be 6-8 feet tall to contain chickens. George Smerigan commented that chickens in a neighborhood will attract predators by providing a food source for them, potentially putting small pets in peril.

Chris Corfias opined that the issue should be addressed in future PUD/homeowners' associations rather than in the zoning regulations. His opinion is that all other areas should remain unregulated. He believes that the rural, relatively un-regulated atmosphere is why many people choose to live in Perry. Rick Amos disagreed. He said that many people live in \$250,000-\$350,000 homes with 1-2 or 3 acre lots that don't wish to have chickens running around their yards.

George Smerigan said that most regulations limit the number of chickens to 4-6 per 1/2 acre lot.

Chris Corfias expressed his disapproval of any regulations, again saying that it is a slippery slope: first saying the fowl must be fenced in; now regulating the number of chickens, smell and proper care. He believes that keeping Perry rural means letting homeowners make these decisions for themselves. The rest of the board members agreed that George Smerigan should draft regulations limiting the number of chickens, keeping those chickens in a fenced area, allowing no roosters, and ensuring that coops are maintained in a manner so as neighbors are not affected in subdivisions with lots of an acre or less. George said he would have a preliminary draft ready before the next meeting.

The board will meet on June 20, 2018 at 6:30 p.m.

Rick Amos announced a meeting for strategy for the Champion Farm that is open to the public on June 27th.

There being no further business, Chris Corfias motioned to adjourn the meeting. It was seconded by Tom Barrett. Poll of Board: 4 Ayes. MOTION UNANIMOUS.

(Adopted as amended June 20, 2018)

June 20, 2018

The Perry Township Zoning Board had a regular meeting on June 20, 2018. Chairman Welch, Art Zentgraf, Nick Giegerich, Chris Corfias and Tom Barrett attended the meeting. George Smerigan and Zoning Inspector Siegel were also in attendance. The first item of business was a review of the minutes from the May 2018 meeting. Art Zentgraf asked that the minutes be corrected by replacing "fielded" in the fifth paragraph with "received" and "scourge" with

“discourage” in the same paragraph. Chris Corfias made a motion to accept the minutes with the corrections. The motion was seconded by Chairman Welch. POLL OF BOARD: 4 Ayes (Nick Giegerich abstained) MOTION PASSED.

The next item of business was the draft to amend the Zoning Resolution to regulate the raising of fowl in a subdivision with property sizes of one acre or less. Art Zentgraf questioned whether people already raising chickens in these areas would be subject to the new regulations, if passed. George Smerigan said that they would be “grandfathered” under the current regulations but the burden would be on the property owner to prove that they were raising the chickens before the regulations were adopted. Nick Giegerich pointed out that if the animals were not properly contained on the premise, they would become animals at large and would become subject to those regulations.

Chris Corfias expressed concern that “farm animals” is not defined in the Zoning Regulations. Nick Giegerich said that it was not necessary because it is defined in the Ohio Revised Code. The men discussed situations when “farm animal” would be vague: an example being a pot bellied pig. George Smerigan said if an animal lives in your home with you, it is consider a pet. Chris Corfias argued that he still thinks that the regulation draft is not specific enough about what would be considered a violation. George Smerigan and Nick Giegerich responded that the Ohio Revised Code is quite clear on the matter.

Art Zentgraf made a motion to accept the amendment draft, send it to the Lake County Planning. Commission for its comment and to schedule a public hearing on the matter. Tom Barrett seconded the motion. Chris Corfias moved to amend the draft in paragraph three: The keeping of farm animals and/or livestock as defined in the ORC and USDA CFR shall be prohibited. The motion was seconded by Tom Barrett. POLL OF BOARD: 5 Ayes. MOTION UNANIMOUS. POLL OF BOARD for Art Zentgraf’s motion: 4 Ayes; 1Nay (Chris Corfias). MOTION PASSED.

The board scheduled a public hearing immediately followed by a regular meeting on July 25, 2018 at 6:00 p.m. The board also decided to try to keep a schedule of the third Wednesday of every month at 6:30 p.m. for it’s meetings.

The last item of business was the May 24, 2017 meeting minutes. Chris Corfias moved to accept the minutes as written. The motion was seconded by Nick Giegerich. POLL OF BOARD: 5 Ayes. MOTION UNANIMOUS.

There being no further business, Chris Corfias made a motion to adjourn the meeting. Tom Barrett seconded the motion. POLL OF BOARD: 5 Ayes.
MOTION UNANIMOUS.

(Adopted July 25, 2018)

July 25, 2018

The Perry Township Zoning Board held a Public Hearing on July 25, 2018. Chairman Mark Welch, Vice Chairman Randy Vermilya, Art Zentgraf, Nick Giegerich and Chris Corfias were in attendance. Township Administrator Karen Sundy, Township Trustee Rick Amos, George Smerigan and Bill DeBuss, a News-Herald reporter also attended the meeting, as well as, several residents of Perry Township and surrounding communities. The Public Hearing was called to order and the board members introduced themselves. Chairman Welch read the proposed amendment and the Lake County Planning Commission's response to a request for comment on the proposed regulations. George Smerigan explained the regulations noting that the regulations only affect people living in more densely populated areas. Phil Haskell of Lane Rd, whose property is not affected by the proposed regulations, asked the board and Mr. Smerigan when the Ohio Revised Code giving townships the right to consider these regulations was adopted and he requested a map showing exactly which subdivisions would be affected. John Ziamba, who does not reside in Perry Township, asked the board how they came up with the parameters of the regulations, " why fifteen lots and why twelve chickens?". George Smerigan responded that the one acre lot size in subdivisions of fifteen or more homes are the parameters given in the Ohio Revised Code, the twelve chicken limit was a restriction deliberated upon by the zoning commission. Rick Amos said the board was considering the proposed regulations because the township administrative offices had been receiving complaints.

John Ziamba stated that he lives in the village but is against the restrictions. William Wholf, who lives on Call Rd. is against any new regulations of any kind. Rick Amos explained that the regulations are proposed to protect home owners in subdivisions from people who are not keeping their fowl on their own property and who are not properly caring for the animals. George Smerigan reiterated that the board was only proposing to regulate agricultural uses in more densely populated areas and only to the extent allowable in the Ohio Revised Code. Doug Rought, who lives on Wood Rd and whose property would not be affected by the regulations, stated that there is already

a law on the books for a fine for not keeping your animals contained. He asked why the township would not enforce that law rather than considering these new regulations. Rick Amos explained that it was not a prudent use of our law enforcement capabilities. The time and cost to call the sheriff's department for a loose chicken is not a feasible option. Derrick Kenyon stated that rumors about the proposed regulations were running rampant at the fair and that if it wasn't fair week, there would be fifty more people at the meeting. Rick Warren, who lives on South Ridge Rd. and whose property would not be affected by the regulations, expressed his dismay with having a restriction on roosters, saying that it would really have an affect on the 4H kids. He also wanted to know what difference it makes whether a family has twelve chickens or twenty chickens, if they practice good animal husbandry. Derrick Kenyon stated that the 4H members only keep the roosters for a short time.

William Wholf asked the board what the chances are that the comments made this evening will change the regulations. Chairman Welch said the comments would be taken into consideration.

Jim Varsey, who lives on Norway Dr and whose property would be affected by the regulations, said that his next door neighbor was an "unruly raiser". He and his wife, Sharon explained the property damage they have experienced because of the fowl, as well as the harassment from the birds and the unpleasant odors caused by them. They did not have clipped wings so they perched in their trees and flew down at them preventing them from enjoying their own property.

Phil Haskell stated that he disagreed with all of the regulations but keeping chickens contained on one's own property. He said that there is already an animal at large law that states that they can't roam free and that law should be used for enforcement. Mr. Haskell also asked if people who presently keep chickens in the affected areas would be exempt from the regulations by the grandfather clause. Rick Amos agreed with Mr. Haskell that there is an animal at large rule on the books, but explained again that it is only enforceable by law enforcement agencies, the proposed amendments would give the zoning inspectors the ability to enforce the regulations. He said that the grandfather clause would pertain to this situation. Phil Haskell said that people would not be grandfathered from the fencing portion of the regulation. George Smerigan affirmed his statement that people would have to abide by the fencing regulations if the regulations were adopted. Chris Corfias requested that Chairman Welch ask the floor for comment on paragraph three of the regulations. Chairman Welch asked if there were any comment on paragraph

three. Doug Rought did not think that the township should be limiting that and there were questions about what would be considered farm animals. Chris Corfias read the description in the Ohio Revised Code. Art Zentgraf asked the audience if they felt that the fencing portion of the regulation was acceptable and the consensus of the audience was that it was acceptable.

Rick Amos told the audience that there are several steps involved in amending the resolution and the board may not vote on the issue this evening.

Chris Corfias again asked if anyone had any issue with paragraph three. Phil Haskell asked that if the language in paragraph three is contained in the Ohio Revised Code, why put it in our zoning regulations? George Smerigan explained that the Ohio Revised Code does not prohibit the keeping of livestock in a subdivision, but it does give the townships the ability to do so.

Rick Warren stated that problems have arisen many times and they should be taken care of on a case by case basis. He also thought that raising chickens in your back yard is a fad that will fade because people don't realize all of the time and expense involved. John Ziamba asked if the regulations would really solve anything. Nick Giegerich said that if we were all respectful and reasonable neighbors, we wouldn't need any regulations. The regulations are put in place to protect the public from disrespectful and unreasonable neighbors.

Chris Corfias made a motion to adjourn the Public Hearing portion of the meeting and begin the regular meeting. Art Zentgraf seconded the motion. POLL OF BOARD: 5 AYES. MOTION UNANIMOUS.

Chairman Welch excused himself from the meeting. Laura Stegman asked for a five minute intermission and Vice Chairman Vermilya obliged. Chris Corfias announced that all members of the audience could stay for the regular meeting if they chose to.

Vice Chairman Vermilya called the meeting to order. The first item of business was to open a discussion of the minutes from the June 20, 2018 meeting. Art Zentgraf made a motion to accept the minutes as written. The motion was seconded by Nick Giegerich. POLL OF BOARD: 3 AYES. MOTION PASSED. (Vice Chairman Vermilya abstained from voting.)

Vice Chairman Vermilya said that based on the feedback from the audience, to be able to do additional research and in order to give Chairman Welch an

opportunity to participate, he was requesting a motion to table the discussion and consideration of the proposed amendments until the August 15, 2018 meeting. Art Zentgraf made the motion to table a discussion and consideration of the amendments and Nick Giegerich seconded the motion. POLL OF BOARD: 3 AYES. 1 NAY. MOTION PASSED.

Chris Corfias called a point of order. He said that the board could not vote to table the discussion because there was not a discussion to table. Other members of the board were confused about his motion and asked for clarification. Chris Corfias withdrew the point of order.

Nick Giegerich made a motion to adjourn the meeting and Art Zentgraf seconded it. POLL OF BOARD: 4 AYES. MOTION UNANIMOUS.

The next meeting is scheduled for Wednesday, August 15, 2018 at 6:30 p.m. at the township offices.

(Adopted August 15, 2018)

August 15, 2018

The Perry Township Zoning Board held a regular meeting on August 15, 2018. Chairman Welch, Vice Chairman Vermilya, Art Zentgraf, Nick Giegerich, Chris Corfias and alternate Tom Barrett were in attendance. Zoning Inspector Siegel, Township Trustees Rick Amos and Bob Dawson and George Smerigan, as well as those community members who signed the attendance sheet were also at the meeting.

After the meeting was called to order, the first item of business was a review of the minutes of the July 25, 2018 meeting. Art Zentgraf made a motion to accept the minutes and the motion was seconded by Nick Giegerich. Chris Corfias requested that the terminology on page three be corrected from out of order to point of order. The motion to accept the minutes with corrections passed with four ayes. Chairman Welch abstained from voting because he was not present at the end of the meeting.

George Smerigan reviewed the information he gave to the board members after the Public Hearing. He re-iterated that the proposed regulations apply only to subdivisions with fifteen or more lots sized one acre or less.

Chairman Welch said that, after hearing the responses from the community, he would like to see the amendment changed to require a minimum pen space of (4) four square feet per chicken, removing the restrictions on keeping roosters and removing subsection three, which pertains to the keeping of farm animals, completely.

Chris Corfias said that he didn't think that the minimum of four square feet may be the proper standard for chickens kept in pens. Randy Vermilya's position on the matter is that the regulations as proposed were written well and should be sent to the trustees as originally submitted to the Lake County Planning Commission. Rick Amos commented that the number of chickens allowed in the regulations came about through the board's discussions and the board's desire to be somewhat more liberal on the restrictions than surrounding communities. Tom Barrett asked if a permit would be required and George Smerigan responded that it would not.

Chris Corfias moved to amend the proposed regulations as discussed: require a minimum pen space of (4) four square feet per chicken, remove the restrictions on keeping roosters and removing subsection three, which pertains to the keeping of farm animals, completely and send the amended draft to the Trustees with a recommendation to amend the Zoning Resolution. The motion was seconded by Nick Giegerich. POLL OF BOARD: 5 Ayes. Motion Unanimous.

Rick Amos said that the livestock issue should be the next issue to be addressed by the board.

The next Zoning Board meeting is scheduled for September 19, 2018 at 6:30 p.m.

There being no further business, Nick Giegerich made a motion to adjourn the meeting and Art Zentgraf seconded it. POLL OF BOARD: 5 Ayes. Motion unanimous.

(Adopted October 17, 2018)

October 17, 2018

The Perry Township Zoning Board held a regular meeting on October 17, 2018. Chairman Welch, Vice Chairman Vermilya and Nick Giegerich were in attendance. George Smerigan also attended the meeting.

After the meeting was called to order, the first item of business was a review of the minutes of the August 25, 2018 meeting. Nick Giegerich made a motion to accept the minutes and the motion was seconded by Randy Vermilya. The motion to accept the minutes as written passed unanimously.

Tom Barrett arrived at the meeting.

The board began a discussion about regulating raising livestock in a subdivision. George Smerigan told the board they could regulate livestock raising on lots up to five acres and that they should definitely consider regulations on lots up to one acre. The board decided to request that George Smerigan draft a regulation limiting livestock in any recorded subdivision in the township.

The Lake County Planning Commission suggested that the board consider adding definitions for school/public school/ private school to the Zoning Resolution, so the board asked George to supply a draft of the definitions.

The board also discussed eliminating regulations regarding space between residence and outbuildings (sheds). They decided to speak to the fire chief and look to the county building codes.

The board discussed increasing the allowable sizes of accessory buildings for lots over one acre in size.

Because of the Thanksgiving holiday, the board moved the November meeting to November 14 at 6:30 p.m.

There being no further business, Randy Vermilya motioned to adjourn the meeting. The motion was seconded by Nick Giegerich and passed by unanimous decision.

(Adopted November 14, 2018)

November 14, 2018

The Perry Township Zoning Board held a regular meeting on Wednesday, November 11, 2018. Chairman Mark Welch, Nick Giegerich, Chris Corfias, Tom Barrett and new alternate board member, Tim Flenner attended the

meeting. Zoning Inspector Wally Siegel, Township Trustee Rick Amos and George Smerigan also attended the meeting.

The first item of business was a review of the minutes of the October 17, 2018 meeting. Tom Barrett made a motion to accept the minutes as written. The motion was seconded by Nick Giegerich. MOTION PASSED. Three Ayes (Chris Corfias and Tim Flenner abstained from voting because they did not attend the meeting).

Next the board opened a discussion of repealing the regulations for setback and separation between a main residence and an out building. George Smerigan said that the regulation was not a common provision in zoning resolutions. The regulations were originally written for safety reasons, but the board assumed that with modern fire equipment and city water in almost all of the township, the safety concern is obsolete. Tom Barrett recommended that a request for input on the matter from the Fire Chief was prudent. The board asked George Smerigan to write an amendment to remove the regulation

Next, a discussion ensued regarding changes to the maximum size for outbuildings. Since he was formerly a member of the Board of Zoning Appeals, chairman Welch asked Tim Flenner if this was a common variance request. Tim Flenner said that although the board meets infrequently, this is one of the most common reasons for meeting. Board members agreed that a maximum size of 3000 square feet would help to keep residents from constructing an accessory building for a prohibited use. The board discussed the total lack of zoning or oversight for agricultural use and the problems that arise when the buildings are converted to other uses.

Trustee Rick Amos asked the board to continue its deliberations of Section 301.04 of the Zoning Resolution regarding keeping livestock in a subdivision. Chris Corfias said he did not think that the board should give the subject any more consideration and that additional regulations of any kind would be taking the board "down a slippery slope of regulations". Rick Amos disagreed with Mr. Corfias. He said that the regulations were limited to subdivisions and the regulations would be protecting neighbors and neighborhoods. He re-iterated his belief that the subdivision lifestyle and makeup does not lend itself to raising farm animals. The board discussed the impact that regulations may have on children who would want to participate in 4H groups. They discussed possibly allowing exemptions for 4H participants. Tom Barrett did not think the regulations should contain exceptions.

The board asked George Smerigan to compose drafts of the items discussed during the meeting so the board could re-visit the items and delve further into the discussions after the new year.

The board scheduled a regular meeting on January 9, 2019.

There being no further business, Chris Corfias made a motion to adjourn and it was seconded by Nick Giegerich. MOTION UNANIMOUS. 5 Ayes.

(Adopted January 9, 2019)