

2019 ZC Minutes

Please note, Minutes are not posted here until they have been adopted by the Zoning Commission

JANUARY 9, 2019

The Perry Township Zoning Board held a public hearing, immediately followed by a regular meeting on February 9, 2019. Chairman Mark Welch, Vice Chairman 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.

After the meeting was called to order, the first item of business was a review of the minutes from the November 14, 2018 meeting. Tom Barrett made a motion to accept the minutes as written and the motion was seconded by Nick Giegerich. POLL OF BOARD: 3 AYES. MOTION PASSED. Randy Vermilya abstained from voting because he did not attend the meeting.

The next item of business was election of board officers for 2019. Chairman Welch opened the floor for nominations. Nick Giegerich made a motion to retain Mark Welch as Chairman and Randy Vermilya as Vice Chairman. His motion was seconded by Tom Barrett. There being no other nominations, Mark Welch moved to close the nominations and the motion was seconded by Randy Vermilya. The motion was passed unanimously. Mark Welch made a motion to elect Mark Welch as Chairman and Randy Vermilya as Vice Chairman. The motion was seconded by Tom Barrett. POLL OF BOARD: 4 AYES. MOTION UNANIMOUS.

Next, the board discussed the drafts of the proposed amendments to the Zoning Regulations. The board discussed the proposed regulations prohibiting farm animals in platted subdivisions. Rick Amos said he would like the board to consider exemptions for children in 4H clubs. George Smerigan said that the best way to handle that would be to require a letter from the 4H leader and a temporary permit. He said that the Zoning Inspector does not have the authority to grant exemptions. The exemption would have to be heard and voted on by the Board of Zoning Appeals. Utilizing a temporary permitting process would negate the need to engage in the zoning appeals process. After further discussion of the issue, the board decided that there are several other viable options for children of families living in subdivisions to be active in 4H groups without keeping farm animals at their homes. Considering the health of the families living in the subdivisions and the welfare of the animals, the board decided against offering a temporary permit.

Regarding the proposed elimination of a setback between outbuildings and a main structure, Tom Barrett asked Wally Siegel how close a building could be to the main structure if there is no specific set back. Mr. Siegel said about three feet. Mr. Siegel said he discussed the proposed zoning change with the fire chief and the chief had no issue with the changes.

Next, the board discussed the proposed amendment to increase the size of accessory buildings incrementally according to lot size, to a maximum size of 3000 feet. George Smerigan reiterated that the regulation is for sheds that can be used for any reason. He reminded the board that there are no size limits for outbuildings for agricultural uses.

Chairman Welch asked the board if there were any questions or comments about the proposed new additions to definitions pertaining to schools. The board was satisfied with the definitions as written.

Tom Barrett made a motion to send the following amendments to the Lake County Planning Commission for its recommendation and set a public hearing for February 13, 2019 to hear public input on the proposed amendments:

Amend Section 301.4: Special Provisions Applicable To Residential Districts by adding Subsection G: Keeping of Livestock or Farm Animals In Subdivisions.

Amend Section 700 Definitions by adding a definition for School, Public or Private and School, Commercial.

Amend Section 301.03 Area, Setback and Height Regulations and Table 301.03

The motion was seconded by Randy Vermilya. POLL OF BOARD: 4 AYES. MOTION UNANIMOUS.

There being no further business, Randy Vermilya moved to adjourn the meeting. Tom Barrett seconded the motion. POLL OF BOARD: 4 AYES. MOTION UNANIMOUS.

(adopted February 13, 2019)

FEBRUARY 13, 2019

The Perry Township Zoning Board held a public hearing, immediately followed by a regular meeting on February 13, 2019. Chairman Mark Welch, Tim Flenner, Chris Corfias and Tom Barrett attended the meeting. George Smerigan also attended the meeting. After the public hearing was called to

order, Chairman Welch read the following proposed amendments to the Zoning Resolution:

Amend Section 301.4: Special Provisions Applicable To Residential Districts by adding Subsection G: Keeping of Livestock or Farm Animals In Subdivisions.

Amend Section 700 Definitions by adding a definition for School, Public or Private and School, Commercial.

Amend Section 301.03 Area, Setback and Height Regulations and Table 301.03

He then read the Lake County Planning Commission's response to a request for comment regarding the proposed amendments.

There being no public input, Chris Corfias moved to close the public hearing portion of the meeting. The motion was seconded by Tom Barrett. POLL OF BOARD: 4 Ayes. MOTION UNANIMOUS. The public hearing was closed and the board convened to a regular meeting.

Tom Barrett made a motion to approve the minutes from the January 9, 2019 meeting. The motion was seconded by Tim Flenner. POLL OF BOARD: 4 Ayes. MOTION UNANIMOUS.

Next, the board entered into a discussion of the Planning Commission's recommendations.

Regarding the first point, the board knows that the trustees ask the township solicitor to review amendments before final approval.

In regards to the second point, George Smerigan advised the board that they did not have the authority to regulate agriculture.

Regarding the third point, the board had already addressed regulating raising chickens in subdivisions.

The board decided to add bison, elk & moose to the list of livestock in Section 301.4. The board did not think that many people would consider raising these animals in a subdivision, but saw no reason not to add them.

Addressing the fifth point, the board did not think that defining farm animals and livestock in the definitions page was advantageous. Livestock and farm animals are sufficiently defined in section 301.4 and the board felt that this

was the best place for the descriptions and that having definitions in two places in the Resolution would make errors or discrepancies in future updates more likely.

In regards to the final point made by the LCPC, single family PUDs and multi-use PUDs would be covered by the parameters of the amendment as written.

Chris Corfias made a motion that The Perry Township Zoning Board send the following amendments to the Township Trustees and to suggest that the Trustees adopt them as permanent amendments to the Zoning Resolution:

Amend Section **700 Definitions** by adding a definition for **School, Public or Private and School, Commercial.**

Amend **Section 301.03 Area, Setback and Height Regulations and Table 301.03**

The motion was seconded by Tom Barrett. POLL OF BOARD: 4 Ayes. MOTION UNANIMOUS.

Tom Barrett moved to amend the proposed amendment to section 301.4 to add bison, elk & moose to the list of livestock. The motion was seconded by Tim Flenner. POLL OF BOARD: 3 Ayes. MOTION PASSED. (Chris Corfias dissented)

Tim Flenner made a motion to send the amendment to Section 301.4 of the Zoning Resolution to the Perry Township Trustees with the Zoning Board's recommendation to approve. Tom Barrett seconded the motion. POLL OF BOARD: 3 Ayes. MOTION PASSED. (Chris Corfias dissented)

There being no other business on its agenda at this time, the board does not have another meeting scheduled.

Chris Corfias made a motion to adjourn the meeting. The motion was seconded by Tim Flenner. POLL OF BOARD: 4 Ayes. MOTION UNANIMOUS.

(adopted March 18, 2021)