

**MINUTES OF THE ROOTSTOWN TOWNSHIP TRUSTEES  
JOINT ZONING BOARDS MEETING  
April 4, 2013**

The special Joint Zoning Boards meeting of the Rootstown Township Trustees opened at 7:00 p.m. on April 4, 2013. Those in attendance were Trustees Diane Dillon and Joe Paulus, Jim Mahood, Zoning Inspector and Julie Gonzales, Trustees Assistant.

The following members were present from the Zoning Commission: Karen Henry, Board Chairperson, George Tishma, Vice Chairman, Bob Moses, Steve Brown and Rob Swauger.

The following members were present from the Zoning Board of Appeals: Troy Cutright, Board Chairman, Jennifer Miles, Vice President, Patricia Saillant, Jim Manion, Derek Ball and Tom Giovagnoli.

Also present was Chris Meduri, Township's legal counsel from the Portage County Prosecutor's Office. He passed out a handout.

The Township may only do what the Ohio Revised Code (ORC Chapter 519) grants the authority to do.

Township zoning is a legislation or law that regulates land use, including designating a township various zoning districts and regulating the uses of land, as well as structures and building and their placement.

There are three ways to begin a zoning amendment process:

- amendments to the zoning resolution may be initiated by motion of the township zoning commission
- by the passage of a resolution by the board of trustees
- by the filing of an application by one or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission.

If the Trustees adopt a proposed amendment it becomes effective thirty (30) days after date of adoption, unless the trustees are presented with a petition signed by a number of registered electors residing in the unincorporated area of the township equal to not less than 8% of the total vote cast for all candidates for governor in the last general election, requesting the board of trustees to submit the amendment to the electors for their approval or rejection.

Zoning ordinances typically provide for two types of uses:

- Permitted
- Conditional

Permitted uses are those allowed as right, provided the landowner meets all other requirements, e.g. building code requirements.”

Conditional uses are also allowed in the zoning code, but they are uses that may have a significant impact on thus require an administrative hearing.

There are two types of variances:

- Use
- Area

The Zoning Board of Appeals has the authority to consider conditional uses and variances. The ORC allows a BZA to hear and decide appeals where it is alleged there is an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning code.

The code also allows the BZA to authorize, upon appeal, in specific cases, variances from the terms of the zoning resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

It allows the BZA to grant conditional zoning certificates for the use of land, buildings, or other structures if the zoning code provides for such.

The Zoning Commission agreed to rework the definition of home-based businesses and present it to the Trustees.

Diane informed the Commissions that Portage County Regional Planning Commission is in the process of reviewing the township zoning regulations. They should be reviewed every five years.

Diane said the Board of Trustees has agreed not to renew their membership with Regional Planning Commission; but their services will be available at an hourly basis.

The Trustees thanked the Zoning Commission and Zoning Board of Appeals members for all their hard work and dedication.

Diane Dillon adjourned the meeting at 8:20 PM.

Respectfully submitted,

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Joe Paulus, Vice Chairman

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JoAnn Townend, Fiscal Officer