

The Rootstown Township Zoning Commission met in a special meeting on Thursday, July 30, 2015, at 7:00 p.m. at Rootstown Town Hall.

Present:	Rob Swauger, Chair	Absent:	None
	George Tishma, Vice Chair		
	Steve Brown		
	Theresa Summers		
	Roger Carpenter		
	Stan Dannemiller, Alternate		

Also present:
Jordan Michael, Zoning Commission Secretary
Mark Tirpak, Zoning Inspector

Audience: See attached list

The meeting opened at 7:00. Chair, Rob Swauger introduced himself. He asked the audience to please be courteous, try to maintain tempers to do this constructively. The floor was opened for discussion.

Randy Cole spoke first as the attorney representing Sappwood Shores, East Muzzy Lake, and Sandy Lake. The current zoning there is R-2. He proposed having a land consultant to develop a new district, for areas that are bordering on a lake, 35-40 acres or more. Sandy and Muzzy Lake are unique due to a long history of development there. A new district would reduce requests for variances and debates about what can and cannot be done. Rob Swauger agreed. Mr. Cole asked if they have a land planner on board. Rob said no, choosing a land planner would go before the trustees. Portage County Regional Planning would be involved as well as the Portage County Prosecutor. Mr. Cole is gathering surveys of their properties.

Rob told Mr. Cole that in his line of thinking, he needs to establish boundaries or separate lots. Mr. Cole said they need to establish whether those become separate tax parcels or rental pods. There will be some sort of line to define where the building envelope must be. Rob said he thinks it would take a registered surveyor to establish boundaries, which would make them individual lots. Mr. Cole said if Sappwood Shores owns the lot, they could still rent it. Rob said that's fine, but they would need the boundaries on a legal record.

Rob asked for comments from the board. Theresa Summers said she has gathered research on lake communities and asked for further research from the audience. She has seen examples of lakefront districts but doesn't know the legal ramifications. Rob said this district will be unique but there's no reason they can't use bits and pieces from other communities. Theresa then suggested an overlay district instead of a separate district. Mr. Cole also considered a lakefront residential district. Rob said this will be a lengthy process, and the surveying alone may take until winter. Mr. Cole said with new technology some surveyors prefer winter with no leaves on the trees.

Stan Dannemiller asked if any of the communities have anything in writing. It might help the board to understand what the residents are looking for. He also asked if the associations have rulebooks that could be made available for them. Mr. Cole said Sandy Lake and East Muzzy Lake are for-profit corporations. Sappwood Shores is a limited liability company. The ownership of these, and how it appears in the county recorder's office, is still being sorted out. Whether it is a separate district or overlay remains to be seen, but his thoughts were of a separate district.

Steve Frank asked the board to introduce themselves. All six members stated their names. Fran Riccardi said each group may have different situations, so a cookie-cutter approach may not be possible.

Pat Gintert asked if the board has something they're looking for that the residents can deliver right away to start moving on this. Rob said the land should be surveyed as a starting point. The setbacks should be determined first before going further. Have the buildings included in the survey to show where they are situated. Mr. Cole said he has drafted codes before but it would help to have a planner on board. Rob said it will be brought up at the next trustee meeting. Sylvia Fischer asked if the surveys can be put in their leases, and if the homes can remain as leased properties. Rob said he'll have to ask the county prosecutor. Mr. Gintert said he thought he would be here tonight. Roger Carpenter said they are just gathering information tonight. Rob added that the township hired Chad Murdock as a legal representative as well. Scott Fischer asked if these resolutions will be voted on by the township, or is it handled by this board. Rob said it will go through this board, with public hearings, then the trustees, then enacted after 30 days. It also goes through Regional Planning and the prosecutor.

Becky Britton said Sandy Lake's lots are platted and recorded in the county recorder's office, as well as their leases. But the homes are not shown on the survey. Rob said they would need to have the building on the lot. Jean Geopfert said she doesn't understand how setbacks will work when some people live across the road from the water and others live on the water. Originally, there was an understood rule from Frank (Navarette) that you could build farther back but not wider. The people on either side of you would have to approve it. She asked if there is a way for them to continue policing themselves, or to make it more flexible instead of making more restrictions. Rob said they will have to be creative. If they did that for them, they would have to for every citizen in the township. Mrs. Geopfert said they would not do anything crazy, things are already vetted well the way it is. Roger said that's what we have to come up with.

Mr. Cole said we want to build in some flexibility but we have to define it. Lisa Monahan spoke as president of Sappwood Shores. She says all three communities are more similar than they are different and she is confident about working together on a set of guidelines. Bob Wetzal asked about establishing setbacks when the roads are not dedicated and there is no right-of-way. Rob said it will need to be surveyed and we will work together on it. They may be different for each community. Mr. Cole said some houses may end up still being nonconforming. Rob said the ultimate goal is to get away from being nonconforming, and it will be a challenge. Mrs. Monahan

said other lake communities have been successful in doing this. Rob said the setbacks could be 30 feet or 5 feet, from wherever the lines are determined to be. Stan asked if the communities have anything written down. Mrs. Monahan said Sappwood Shores purchased all the real estate from Mr. Navarette earlier in the year, so they are behind on this compared to Sandy Lake and East Muzzy Lake. Sandy Lake has a lot of process and procedure, and East Muzzy Lake has some too. Sappwood does not have a code of rules or regulations. They have an operating agreement on the shareholders, and they have leases. Every homeowner is subject to the terms of the lease.

George Tishma said he was under the impression that there were association rules. Mr. Cole said Frank Navarette was the zoning commission for this area, and any restrictions were put on the lease. Mrs. Monahan said they now have a board of managers doing what Mr. Navarette used to do. Their current lease is 11 pages. Stan asked if there is anything in the lease that might be helpful to them. Mrs. Monahan said the metes and bounds in the former lease were not accurate. Mr. Frank said Sandy Lake has guidelines; Mr. Gintert said the process is similar by bringing your plans to the board and getting approval from both neighbors. Jack Wood said at East Muzzy Lake they have a lease with rules in it. These will be provided to Mr. Cole. A woman from Sappwood Shores said originally they could build a set number of feet from the original footprint. Mrs. Monahan added that each resident owns a lot of land in common that is enjoyed by the whole community. Mr. Cole anticipates significant buffer zones and open space. Mrs. Britton said Sandy Lake's rules are also recorded at the county recorder's office. Rob suggested she provide those to Mr. Cole. An audience member asked if these will be monthly meetings. Rob said they will be separate from their regularly scheduled meetings. Mr. Gintert asked how much can be discussed outside of the meetings. Mr. Cole said he can work with the other consultants to present something to the commission. Mr. Gintert asked if they need to ask the trustees to hire a consultant. George said the trustees have been responsive to hiring a consultant, it just takes time. Mr. Cole said there is a great amount of information available that details what exists. It doesn't bind what they do, but it informs it. Mrs. Monahan said everyone is welcome to tour Sappwood Shores. They have had issues with uninvited guests causing trouble but please come down and see for yourselves. Mr. Gintert said he does stop people who are speeding.

Mr. Fischer asked what is the driver of this whole push from zoning. Rob said it started last year with the previous chairman. They was a joint meeting with all three communities, both zoning boards, and the trustees. Mr. Fischer asked if those minutes available online. Rob said they should be.

Rob said if there is nothing else, he would like to adjourn the meeting. Theresa made a motion to adjourn. Roger seconded the motion. All were in favor and the meeting was adjourned at 7:42 p.m.

Rob Swauger, Chair

Rootstown Township Zoning Commission