



The Rootstown Township Zoning Commission met in regular session on Monday, October 20, 2014, at 7:00 p.m. at Rootstown Town Hall.

Present: Karen Henry, Chair  
George Tishma, Vice Chair  
Rob Swauger  
Bob Moses  
Steve Brown  
Theresa Summers, Alternate

Also present:  
Trustee Joe Paulus  
Zoning Inspector Mark Tirpak  
Zoning Assistant Jordan Michael

Audience: See attached list

Chair, Karen Henry, called the meeting to order at 7:07 p.m. and asked everyone to stand to recite the Pledge of Allegiance.

Karen asked if all members had a chance to read the minutes from the previous month. Vice Chair, George Tishma, made a motion to accept the minutes of the last meeting. Bob Moses seconded. The motion was passed 5-0.

Trustee Joe Paulus asked if every member had received a new copy of the Zoning Resolution. He told them to make sure they all get rid of their old copy. George said he had been telling Joe they have had different books and nobody did anything about it. Joe said they were going to get new copies at the beginning of the year but there were changes to the Zoning Resolution and no one expected those changes to be going on this long. He expects Regional Planning to review everything at their November meeting. George asked why it's taking so long for them. Joe said a copy was sent to Regional Planning but got lost in the mail. They now have a new copy that includes the RV and camper changes.

Joe told the commission that the Trustees have made a resolution to create a separate zoning district for Muzzy Lake and Sandy Lake. Currently there are issues with Muzzy Lake having two incorporations. The other issue is that every house is together on one lot. Neither area is addressed in the Zoning Resolution but both are supposed to abide by zoning. George said he would like to look at the property before making a decision because he feels

they should have to follow the rules just like everyone else. Joe said they do not get any special privileges. George said he heard some homes were spaced only two feet apart and asked how they could build those legally. Joe said he doesn't think they were enforced at the time. Zoning Inspector Mark Tirpak said that those areas need to be straightened out according to County Prosecutor Chris Meduri. The associations need to meet with each other and with the Zoning Commission. George asked if Chris had made any recommendations. Mark said there were no recommendations except that a district needs to be created for them. George asked if that would be fair to the rest of the township. They should have to follow the rules just like everyone else. Joe said that's not really the case and the new district would still have rules to follow.

Rob Swauger asked how homeowners there can get insurance on homes that do not comply with zoning. Mark said realistically, all of the homes there are non-conforming right now. Bob asked if you make rules to make them conforming, what's to stop someone from doing the same thing on the next lake down the street? Joe said they would simply be zoned differently, just like someone who wants to have a business but can't put it in a residential district. Theresa Summers said she knows the homeowners don't own their land and asked if there are any existing rules now for the associations. Mark said there are no rules other than for cluster homes, but that's not the same as what these homes are. George asked if there are other examples in Ohio. Rob said Brady Lake is an example. They had a 99-year lease and the homeowners did not own the land, but he thinks the county took over the land and sold each homeowner the land under their house.

George asked if Todd Peetz or Chris Meduri can help the commission with this. He suggested a special meeting with them. Steve asked what the variance was that was allowed before on Sandy Lake. Mark said he didn't know. Steve hoped it could be found somewhere so the commission can see what they did. Mark said everything has been rubber-stamped by the Board of Appeals for these associations. George and Bob asked why the associations can't fix their own flooding, if they are their own entity. Joe said most of the flooding comes from the Kovach farm down the road, based on the topo maps. Muzzy Lake didn't want to put money toward fixing their flooding and instead looked everywhere else for money. Mark said next month's meeting may have people from Muzzy or Sandy Lake in attendance, depending on the outcome of tomorrow's Board of Zoning Appeals meeting. Chris Meduri wants the variance to be denied to force the association or the homeowners to come and bring this to a head.

The next item of discussion was NEOMED and what actions of theirs go beyond the scope of the university. George mentioned that the university is buying a lot of lots and asked if they can control the growth of the university by not rezoning and keeping it residential. Joe said NEOMED can more or less do what they want, being a state entity. Being a university doesn't comply under residential or commercial, and they don't have to abide by zoning. The courts want both sides to play nice, work together, and try to work this out. George said the township residents should have a say over whether they want to be a university town or a residential community, because the college could grow exponentially. Joe said he was told by Mike Kerrigan of NEOMED that the university is purchasing these properties as land banking to make space available for any companies interested in locating here. Joe then said they are putting more burden on the taxpayers than they are giving back. George

asked if there is anything the commission can do to restrict the university. Mark says they can rezone the properties to commercial which will allow other private entities to own the land. The village center is another district that needs straightened out. George remarked that the commission is finding out so much from Mark that they weren't even aware of. Joe said that's good and said the commission now needs to take action.

Mark noted that you can stand at the highway interchange and see three different commercial districts right there, which means businesses that are otherwise similar are following different rules from each other. McDonald's and Wendy's can have semi trucks but Speedway cannot, according to the zoning map. Joe said that the zoning map has not been changed in a long time and needs to be updated. George said he is afraid to change things to make it all alike because people find out and get ugly about it. Joe said it needs changed anyway. George said it's a problem when people only show up when they're against something and people who are positive don't come to make their case. Mark said the lot size minimum in R-2 districts are not big enough to get sewer approved from the County. Joe said the map hasn't been updated since before sewer was brought into New Milford Road and Tallmadge Road. George confirmed that it would require a public meeting to approve changes to the map. Steve asked if this is part of the Comprehensive Land Use Plan. Joe said it's not. Theresa said there have been concerns in the past that rezoning Lynn Road to commercial would make all the homes there nonconforming. Joe asked for the difference between C-2 and C-3. Mark answered that C-3 is for highway interchange. Joe suggested that McDonald's be changed to C-3, because no one would complain and it would bring uniformity to that intersection. Mark pointed out the schedule of permitted uses is inconsistent for commercial districts. George said he wouldn't want rezoning to affect the Tonsing Drive area.

George told Mark that the commission needs help from him and could use his expertise. Mark and Joe told the commission to just take one section at a time, and go through the book section-by-section. Mark said he has been doing this already with Jordan and making notes. Joe said he had gone through the book and noticed that the Omega Men's Club shouldn't even be allowed in its location. George said next month will be a heated meeting. Joe said the Regional Planning Commission probably won't meet until November and you probably won't hear from them until December. George asked Joe if he had heard about the changes made by the commission regarding RV, boat, and camper parking. Joe said he hadn't heard. George recapped the boat and RV changes to Joe. Joe expressed approval and said that you're not going to please everyone. Mark noted that all of Muzzy Lake would be in violation of those rules and suggested that outside storage be allowed for them. George said he couldn't imagine telling that to others in the township. Joe said these homeowners are lucky that they haven't received a violation, and that the commission wants a happy medium. Bob said they've explained that at previous meetings but it didn't help. George complained that there have been no suggestions other than to have no rules. Bob said that construction equipment is listed under the same section. Mark said they'll have to go to Muzzy Lake and Sandy Lake as that's the top priority. Steve said they'll have to go down there but the residents won't like it. Mark told them to say they're township officials, and added now is a good time to do this as a lot of the summer people are gone. Bob said Sandy Lake has had quite a few homes built just recently.

Mark suggested that the commission hold off on NEOMED for now. Joe said the point is for them to request a change, but right now they have no incentive to. Mark told the commission that if they change the zoning themselves, it will only help NEOMED, so don't rezone yet. For instance, if the wellness center memberships overwhelm the number of students using the facility, they may not be tax-exempt. Another example is the Village at NEOMED, in which there is a for-profit at play and supposedly non-students can live there.

George asked what the commission will be doing at the next meeting. Karen said Muzzy Lake will be on the agenda. Mark said it depends on the Board of Appeals meeting. Joe said not to count on them, that way you'll have things to do even if they don't show. George asked Mark and Jordan to keep making notes of issues with the zoning book that can be discussed. Steve said there are some lake areas around Sandusky that he can check out. Rob said to Google "leased land and zoning regulations" for research. Mark clarified that the lake areas here use surveyed lots rather than legal lots of record. Therefore the county does not recognize them. Marsh Creek was also brought up, as some lots there have three or four houses. Mark asked how that was ever approved. Theresa asked what should be done with these associations. Mark said to deny them. George asked why they couldn't have just put each house on its own lot. Mark said that way the houses can be built closer together. He looked through the book and said he can't find anything that allows two or more houses on one lot. George discussed the forthcoming Planning and Zoning Workshop in Westlake and told Jordan to let the commission know of any information he receives about other workshops. Joe said the Ohio Township Association is a good source for these, especially their winter conference. Steve said he will go to the appeals meeting tomorrow. Rob said he will review the Ohio Revised Code. Jordan said he will print copies of the table of contents for the members' zoning books.

George made the motion to adjourn. Bob seconded and the motion was passed 5-0. The meeting was adjourned at 8:14 p.m.

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Chair Karen Henry  
Rootstown Township Zoning Commission