

The special zoning hearing of Austinburg Township by the Board of Trustees opened at 7pm. The hearing regarded the proposed Map Change from Residential1 to Accommodating Commercial at 2930 Clay Street, Austinburg, Ohio (Tax Parcel ID#: 070030002901) as requested by Mr. Jeff Piatek, owner. Residents attending included Jeff Otto, Les Lane, David Long, Darcie Fox, Jeff Piatek, Nick Kustala, Ginny and Ted Seifert, Mark Milk, Tim Baumbantew, Gary and Jacquie Quine, John and Mary Ann Clause, Joe and Chris Hejduk, Tom Tilton, Mike Meehan, Johnny Tetrick, Bruka Heath, James Buckmaster, Dave McFarland, Deb Platt, James Gerner, Bill Arth, John Simcic, Larry Beduhn, Claire and Nora Brat, Frank Gildersleeve, Evelyn Shaffer, Jacklyn Krysa, Mike Kovacic, Michele Hughes, Don Smith, and Susan Avsec.

John Kusar shared the history of the proposed map change and following action by the Austinburg Zoning Commission, the matter now is up to the Board of Trustees on whether to pass the map change or not pass the map change. Resident Ted Seifert asked about the potential of conflict of interest with this zoning change and Trustee Byron Dutton as the property owner Jeff Piatek and Trustee Dutton have a business relationship.

At this point, the number of public attendees outgrew the space in the traditional meeting room and caused the meeting to move to the lower level townhall.

Fiscal Officer David Thomas read an opinion from the Ashtabula County Prosecutor's Office in response to Mr. Seifert's question regarding the potential of a conflict of interest with Trustee Dutton. The opinion stated no conflict of interest was present, however Trustee Dutton should recuse himself from the discussion and vote to avoid the impression of conflict.

Resident Evelyn Schaffer commented that the Zoning Commission recommended the Board of Trustees deny the map change. She stated that the commercial district boundaries were originally chosen based on the needs of the traveling public. There is also ample undeveloped property within the AC district. No one who purchases property is guaranteed to have their zoning changed to their desires. Finally, she stated that the county planning commission approved the change as there is no specific plan for Austinburg. Evelyn shared that the Board of Trustees and Zoning Commission should create a new plan with input for Route 45 zoning so that a planned change can occur with public input.

Property owner Jeff Piatek stated that he purchased the property in question due to business needs. He believes that zoning is flexible and should change with the needs as had happened with one other property below Clay Street. Jeff states that he is close to Interstate 90 and fits the requirements for Accommodating Commercial.

Resident Mary Ann Clause stated that after reading the Zoning Text with Accommodating Commercial, she believes the permitted uses should remain above Clay Street. The properties south of Clay Street should remain more for residential needs. She believes the map change would amount to spot zoning which could create a negative future result.

Resident Joe Hejduk shared his support for the proposed map change and would like to have more businesses and zoning changes to promote growth along Route 45. Joe stated that the property is not Residential1 but rather in a Neighborhood Commercial area however the Board corrected Joe that the current property is Residential1 zoned. Joe asked that the community remember that there are 117 homes in the town of Austinburg, 57 of which were updated by a select few families including his. Joe spoke to a meeting several years ago where residents wanted to change the zoning to Accommodating Commercial from Neighborhood Commercial. He believes the public supports increased business growth. John Kusar clarified that the meeting Joe spoke to occurred in the 1990's.

A short break occurred at 7:30pm to open bids for the township's 2008 Ford Truck. The highest placed bid of \$3,500 was Greenlawn Memory Gardens.

Jim Buckmaster, who owns Clay Street Bar and Grill on Clay Street, shared he would like to see the proposed map change as it would help to bring business to the area. Resident Mr. Long stated he believes that Jeff Piatek's small business would be a positive thing for the Township.

Resident Jacklyn Krysa, member of the Zoning Commission, asked several questions of the Township Board. The Zoning Commission sent the Board of Trustees a letter on October 9th but did not get a response back. She asked for the Trustee liaison and an update on the Zoning Map recording with the County. The commission board also asked for a meeting to discuss planning moving forward and funds to hire a professional planning firm for Austinburg. Trustee Jerrv Burke stated that he does

Trustee John Kusar stated that several years ago the prices were very high for professional planners and he did not believe the money would be well spent. Jacklyn stated there are more economical options available now. John asked for several quotes or budget amounts for the Board to consider.

Resident Susan Avsec, Chair of the Zoning Board of Appeals, asked about the zoning of the parcel. Byron Dutton stated it is Residential1 currently. The Accommodating Commercial above Clay Street was created when zoning was restructured as at one point, Commercial stretched from Route 90 to Route 307. Below Clay Street was Neighborhood Commercial. Susan stated that if spot zoning occurred at one point in the township that does not mean it should occur today. The parcel was undeveloped until Jeff Piatek purchased it and therefore perhaps more land could be developed in the future. Susan asked if for future zoning, does there need to be a difference between Neighborhood Commercial and Accommodating Commercial or can there be another district too for just Commercial. She urged development of land by the interstate. Susan spoke to the placement of Adult Book stores in Accommodating Commercial, however Trustee Byron Dutton corrected the statement that Adult Bookstores can only be in Industrial zoning. Mary Ann Clause asked if Susan believes there is not enough in Accommodating Commercial for businesses. Jeff Piatek commented that the property has been vacant and undeveloped but he is making good use of the property.

Resident Les Lane stated that he believes the community is not approaching the property and zoning in the right way. He would like the community to look at the possibilities for growth in the property.

Resident Frank Gildersleeve stated that this issue is about progress and the need for more business.

Resident James Gerner asked about the footage for building on Clay Street because of the frontage requirement. Trustee Byron Dutton stated that the frontage is grandfathered so the lot is buildable. Any new lots must be conforming.

Resident Dave McFarlan asked about the potential for creating a setback on Clay Street to plan for potential sewers and allow for more businesses in that area. Trustee John Kusar shared that the Board of Trustees asked the Zoning Commission to look at three parcels for potential changes along Route 45.

Susan Avsec asked about the role of the Zoning Administrator and if the Administrator could be the liaison for the Zoning Commission.

Jacque Quine shared that the root of the conflicts in the meeting are from differing goals for the community, she wants the future to stay the same.

Claire Polak, member of the zoning commission, stated that she voted in favor of Jeff Piatek's change. She is concerned over the future congestion along Route 45 and would like to have a more planned development.

Jeff Piatek stated that he would like to create development now but could leave if the community did not want his business.

Resident Larry Buduhn asked how many gas stations were in Austinburg years ago and spoke to the idea that Austinburg had been automotive focused in the past.

Resident Mike Mehaan shared that he drove by the property and thought that there were improvements with Jeff Piatek's work to the property tearing down the blighted building.

Joe Hejduk stated that he does not gain from this Zoning Map Change as his property cannot be improved. He would like to have more business along Route 45.

Resident Don Smith asked why the Dollar Store could enter if it was residentially zoned. John Kusar responded that the Dollar Store was actually in Neighborhood Commercial, the Piatek property was the only sliver of Residential1 left. Don would like to complete the commercial zoning along Clay Street.

John Kusar spoke to the issue of Spot Zoning. Because the property abuts Accommodating Commercial and Neighborhood Commercial properties, this is not spot zoning and would be therefore a continuation of either zoning districts. Susan Avsec commented that by extending the district, it should be NC and not AC. Evelyn Shaeffer commented that there are two things to consider, the request for the Piatek property and the request from the zoning commission to have professional zoning help.

Joe Hejduk asked for a count of attendees' beliefs on the passage of the Zoning Map Change. Ted Seifert asked if the Board would abide by the vote of the attendees. John asked for a show of

RECORD OF PROCEEDINGS

Minutes of

Austinburg Township

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 17, 2018

John Kusar asked the public how to solve the issue presented of a sliver of Residential 1 abutting an area of differing zoning districts, Susan Avsec believes the NC should be extended to the Piatek property and not AC.

John Kusar thanked the residents for attending the public hearing and concluded the public hearing.

The regular meeting of Austinburg Township opened at 8:23pm.

The residents attending asked if the Board would vote on the issue. John Kusar stated he believed the Board was ready to vote. Res. 159-18 Jerry moved to approve the Zoning Map change request (2930 Clay Street, Austinburg, Ohio (Tax Parcel ID#: 070030002901)) by Jeff Piatek from Residential 1 to Accommodating Commercial. John seconded. The roll; Burke, aye. Dutton, abstained. Kusar, aye.

Res. 160-18 John moved to accept the minutes as written, Jerry seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye.

Res. 161-18 John moved to pay the bills, Jerry seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye.

Res. 162-18 John moved to accept Greenlawn Memory Gardens bid for the 2008 Ford Superduty Truck of \$3,500, Byron seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye.

Bills were \$9,870.42 and Receipts were \$1,177.09.

The Fiscal Officer presented temporary appropriations to the Board of Trustees in the amount of \$1,167,044.31. This appropriation is temporary as the carry overs were higher than anticipated and the Fiscal Officer will need to request a new Certificate of Estimated Resources from the County Auditor. Res. 163-18 John move to accept the temporary appropriations presented by the Fiscal Officer of \$1,167,044.31, Byron seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye.

Wanda Lahnan sent in her notice of resignation from the Austinburg Township Zoning Commission. John Beninato shared his zoning report. Jacklyn Krysa asked if the Zoning Administrator's role is to report the business of the Zoning Commission to the Board of Trustees. John Beninato believes that his role is to interpret the text, not be the liaison. Jacklyn stated that she had concerns over Byron Dutton's involvement with the Zoning Commission and statements made in previous meetings. She suggests having an active Trustee liaison and feedback from the Board to the Zoning Commission. Joe Hejduk asked why the Zoning Commission holds their meetings at 5pm, John Kusar responded that the time selected works best for the members of the Zoning Commission.

Byron shared NAD's budget report and appropriations request. Byron asked about the International Truck, it is still in the shop. Justin from the County Engineer's Office asked for a letter from the Board of Trustees regarding their thoughts on Karvo Paving Company's quality of work on Forman Road.

The year-end meeting for the Board of Trustees is Friday, December 28th at 7:30pm.

Jacklyn asked that the Board work more at recruiting more Zoning Commission members and that Joe Hejduk put up signs advertising the hiring of the new Fiscal Officer at the year end meeting.

Res. 164-18 moved to enter into executive session at 8:50pm to discuss personal matters, with no vote to follow the executive session, Jerry seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye. The Board of Trustees left the executive session at 9:04pm

Res. 165-18 John moved to adjourn the meeting at 9:05pm, Dutton seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye.