

RECORD OF PROCEEDINGS

Minutes of Austiburg Township Public Hearing

Meeting

Held March 12, _____ 2007

The March 12, 2007 Public Hearing was called to order at 7:00pm. by Chair Lynn Frank. Lynn stated, all those present wishing to speak are to come to the microphone, state their name and address, and the meeting will be taped. The first purpose of the hearing is to address a request from Michael and Dawn Farinacci to rezone two acres of their property from R1 to NC. The second issue is to discuss a revision of the text definition of how lot width is determined.

Zoning Commission Chairman Ted Seifert presented comments from the commission on the issue of rezoning the Farinacci property. He stated the commission looked for reasons to allow the change. There is no water, sewer or gas in that area. The commission also looked at potential for development in that area. There has only been growth in viticulture. When the commission looked at the applicants' arguments for the change, they found no evidence of demand for office space. Ted stated the applicants also applied in 2004 for a change in zoning for some of their property from R1 to NC, and it was denied at that time. The predominant public opinion expressed about this change was against the change. The Zoning Commission therefore voted 4 to 1 to deny the request.

Michael Farinacci spoke on the potential for business growth in the area in question. He said the Zoning Commission is not an authority on this, and the statements made are merely conjecture. The Farinacci's winery located adjacent to the two acres is already a commercial establishment under the guise of agriculture. The John Deere dealer nearby is commercial. Mr. Farinacci said he is just trying to utilize his property there. He has two houses on his property near the winery, one is to be used as a Bed and Breakfast. The other he would like to lease out for a small professional office. Al Dispenza of the Planning Commission has said this can be done if it the two acres are deeded out of the other sixteen acres of the parcel.

Lynn opened the hearing for public comments.

Shawn Gruber, 1408 Hidden Hemlock, stated there is no vendetta against the Farinaccis. He said he is against the zoning change, and does not want businesses near Ravinewood.

Ted Seifert said that the material presented the Board of Trustees by Michael and Dawn Farinacci should be read into the record. Lynn read these comments at this time. A copy is available for review.

David Turk, 1435 Ravinewood Dr., said he is also against the zoning change. He believes this is spot zoning. Mr. Turk said he believes there are better locations for office space such as along Rt. 45 and east of town on Rt. 307. He said these buildings were residences when the property was purchased and said they should remain as such.

With no other comments from the audience, Lynn closed the public portion of the hearing and trustee deliberations began.

Lynn asked Mr. Farinacci why he would want an office there, as it may detract from the beautiful setting of his winery. It would bring business traffic and sign clutter. Mr. Farinacci stated the sign would be small and would not detract from the winery. The winery is only open two days a week and the office business would be closed. He said he does not want a family living with children in close proximity to the winery.

Lynn asked if the house is tied into the winery septic system. Mr. Farinacci said the house has its own system. There is water and propane there also. All commercial aspects are there.

Janie asked if the zoning change is made, what other businesses can locate there. Mr. Farinacci stated it is only two acres, and that will restrict what could be in there. Mr. Farinacci said it is an aesthetic area there and would be good for an architectural office etc.

Jerry asked if the change to NC was made, what outer appearances would be changed. Mr. Farinacci answered the house would stay the same except for decorating and internet connections, and some landscaping would be done.

Lynn said even though Mr. Farinacci has said he would allow deed restrictions to be placed, the trustees cannot enforce them. He would have more right to change the restrictions than the trustees or Zoning Administration. Discussion was held on what could possibly locate there. Lynn said there is 53 uses in our zoning text for NC. Mr. Farinacci said he believes this is all an action put into play to eventually take the NC area belonging to Fred and Mary Lachey away and convert it back to R1. The board denied this is their motive.

At this time, Lynn read the minutes from the February 7, 2007 Zoning Commission meeting into the record. Lynn also read from Section 1350 of the Township zoning text

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concerning duties of the township trustees. To over-ride the recommendation of the Zoning Commission, the vote must be unanimous. To agree with the Commission, the vote must be that of a majority.

Jerry said Mr. Turk commented on better areas for office to be located such as Rt. 307. Jerry said the residents there may not like businesses to locate there any more than he wants them near Ravinewood. Mr. Turk stated he was talking about the vicinity of Carter Lumber on Rt. 307 and near the new bank on Rt. 45.

Res. 654-07 Janie moved to agree with the Zoning Commission on their finding and deny the request, because of the information we have in the eight reasons they stated for their decisions. She said no new evidence has been provided to decide otherwise. Mr. Farinacci stated the reasons provided by the Zoning Commission is not evidence of anything, no data or statistics, but merely conjecture on their part. Lynn seconded the motion. The roll call vote as follows; Spade, aye. Burke, stated he has mixed emotions on this issue. He said he can see the opinions on each side of the issue, but votes no at this time. Frank, aye.

Lynn said the majority carries, and the request is therefore denied.

Lynn stated the next order of business is definition of lot width. She read the recommended changes made by the Zoning Commission into the record.

Zoning Commission Chair Ted Seifert gave an explanation on the recommended definition of determining lot width. This is used by the building department and passed by the Planning Commission. The language for the definition is provided by Albert Dispenza. A copy of his comments is available for review.

There were no public comments on this issue.

Lynn read the minutes from the meeting of the Zoning Commission held Feb. 7, 2007 concerning lot width definition. This is how the Health Dept. determines lot width also.

Res.655-07 Jerry moved to accept the Zoning Commission proposal of how lot width is to be determined. Janie seconded this motion. The roll call vote; Frank, aye. Spade, aye. Burke, aye.

At 7:50pm, Lynn stated the public hearing is adjourned.

Barbara Schaub
Jyn Fair
Jane D. [unclear]