

RECORD OF PROCEEDINGS

Minutes of

Austinburg Township Public Hearing

Meeting

Held October 24,

2007

The Public Hearing of the Austinburg Twp. Board of Trustees held October 24, 2007 was called to order at 7:00pm by Chair Lynn Frank. Trustees Burke, and Spade were present. Audience present were Valerie and Jim Cox, Cord Cox, John Kusar, John Kusar Sr., Eileen Kusar, Diane Mongenel, Ginny and Ted Seifert, Dave Long Jr., and Mike Schaab.

The purpose of this hearing is to address the Trustees' Resolution 758-07 which contains a request for a change to the required separation distance between Bed & Breakfast establishments. The current separation distance in the Austinburg zoning text is 1,000 feet. Resolution 758-07 recommends a change to between 500 and 725 feet.

At this time Lynn read from the letter to the trustees from the Zoning Commission dated Sept. 29, 2007. This letter indicated the Commission had voted 4-1 not to approve the trustees resolution 758-07, reducing the separation distance from 1,000 feet. They did vote to eliminate the separation distance in the NC districts. A copy of this letter is contained in the township files.

Lynn read a letter from the Ashtabula Co. Planning Commission dated Sept. 17, 2007 recommending denial of the Resolution. A copy of this correspondence is in the township files. Reference was made to a Planning Commission memo dated Aug. 27, 07. Lynn read from a portion of the letter that contained a timeline of the zoning request made by Mr. and Mrs. Cox. Section 1 through 5 of the Planning Commission resolution were read aloud. All above mentioned documentation is on file at the township office and available for review upon request.

At this time the floor was opened for public comment.

Jim Cox stated that when the trustees asked the Zoning Commission to look at and change the 1,000 feet to between 500 and 725 feet, they all voted for the change. Mr. Cox asked the trustees to keep the same opinion and over ride the Zoning Commission decision of keeping the 1,000 feet. He recommended they go with honest feelings and not allow themselves to be told what to do.

John Kusar Sr. asked what the explanation of the Zoning Commission was on keeping the 1,000 feet separation.

Ted Seifert, Zoning Commission Chair explained how the Commission arrived at the 1,000 feet. He said much of their opinion was based on prior deliberations. Prior to 2006, B&Bs were not even addressed in the text. Input was gathered from reading zoning newsletters and other research. One of the conditions that could be placed on allowing B&Bs, is distance, according to zoning newsletters. The Commission based their decision on the Planning Commission's recommendation not to change the 1,000 feet, and what would be best for Austinburg.

John Kusar Jr. stated at the trustee meeting when this came up, Jerry Burke made the motion and Lynn seconded to change the distance. There were deliberations on shortening the distance. Lynn said at that time that the issue should not be about Cox's. John said in the letter that Mr. Seifert wrote to Albert Dispenza of the Planning Commission, there is reference to Mr. Farinacci opening a B&B and now Mr. Cox wants to open one. John stated that according to Mr. Dispenza's letter dated Aug. 27, 2007, he is totally informed about the Cox B&B issue. John said he feels the trustees all voted on this, and they should not go back on their word now.

Ted Seifert stated the purpose of his letter to Mr. Dispenza was to give him some background and history on the issue.

John Kusar asked where definitively does the 1,000 feet come from? He has looked at other requirements for B&Bs and cannot find any in the county that set 1,000 ft between B&Bs.

Dave Long stated Bed and Breakfasts are good to have. Dave said he thinks the 1,000 ft. is out of line. He said Mr. Cox has a right to put his B&B in and we should be behind him.

Byron Dutton said the closeness between B&Bs is not important. This will draw people in to the area. Sewers are coming and we should use the opportunity to get a piece of the pie by allowing folks to make larger homes into these establishments.

Lynn closed the discussion to the public and opened discussion to the trustees.

Jerry Burke said he agrees with Byron about tourism in the area. He stated nothing is wrong with B&Bs and the footage should be stepped down.

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Jerry said he is not in agreement with the reference to the proximity of B&Bs to wineries as a safety issue. Janie Spade stated the safety issue only came up in the letter written by Sue Avsec of the Zoning Board of Appeals to the trustees.

Lynn Frank said the trustees need to look at this as it affects all R-1 districts Lynn reviewed the three ways amendments may be made to the zoning text. She also stated the board has 20 days to either adopt the Zoning Commission's recommendation by majority vote, deny the recommendation by unanimous vote, or come up with a modification of the recommendation, also with unanimous vote. She said she is concerned with the rationale behind changing the 1,000 feet.

Jerry said some years back another issue was sent to the Planning Commission for review. At that time the Zoning Commission voted not to adhere to their opinion. This time, however it seems the Zoning Commission is listening to the Planning Comm. Jerry asked what is the reason they are so adamant to comply now.

Janie stated Cox's home is very nice and would make a wonderful B&B. That is not the issue here. She stated the Zoning Commission works very hard and does their research into these issues. The board should look at how long these decisions took and what we are looking at for the whole community.

Mr. Cox stated he believes if the Planning Commission said it should be changed, it would be changed. He again asked Ted Seifert what was the basis for the 1,000 feet.

Ted Seifert said research was done by Connie Coons, past Zoning Chairman. "Zoning News" was looked at, and what we think as a commission. Ted said we try to do the best we can for Austinburg as a whole. Ted reminded that this was not just his opinion, four people voted on this. R-1 districts want a limited amount of commercial activity. B&Bs will bring commercial activity. With our current frontage set at 250 ft., that would allow one B&B every fourth house. That is more than adequate for B&B density. That is the rationale behind their 1,000 ft.

Valerie Cox challenged the information the Commission used. In her research, 1,000 ft. was the most extreme distance used.

Eileen Kusar addressed the issue of businesses maybe closing due to the sewer costs. Ashtabula County needs to bend over backwards to keep businesses here.

Dave Long stated this may help keep historical, larger homes in use instead of being torn down.

More discussion was held on benefits of B&Bs. All residents that spoke were in favor of them.

Lynn referred to the recommended changes presented by the Zoning Commission. A copy of the changes submitted by the Zoning Commission is available for review.

Janie said the Commission has raised some good points and she would like time to follow up on them. Jerry said he would like to make a decision tonight. The resolution has already been made for the change to between 500 and 725 ft.

Jerry moved that this board change the zoning text to reflect 600 feet between B&Bs, and adopt the other recommendations as noted by the Zoning Commission. Lynn asked on what rationale. Jerry stated it is a compromise between the previously stated 500-725 ft., and is a sound amount of footage. Lynn said if the motion was changed to say 700 feet, she would second it. Janie said she would like to stay at the higher end, near 725 ft.

Discussion was held on the 30% variance, which is the general rule of thumb used by the Zoning Board of Appeals.

Motion made by Jerry died due to lack of a second.

Res. 807-07 Lynn moved to accept the changes presented by the Zoning Commission with exception of the 1,000ft. That will be changed to 700 ft. Her rationale is that it will stay with the consistency of a possible 30% variance. Janie seconded Lynn's motion.

Jim Cox stated he will have his B&B here one way or another. Why worry about a variance when no one is fighting the B&B. Lynn stated she is not talking only variance here.

Jerry said he thinks the 700 ft. is too extravagant.

Res. 808-07 Lynn moved to rescind her previous motion which indicated 700 ft between B&Bs, and change it to reflect 600 ft. between B&Bs, and the acceptance of all other changes proposed by the Zoning Commission. Jerry seconded the motion. Janie said she feels the

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Trustees, Zoning Commission, and Zoning Board of Appeals deserve respect for the hard work they do. These are not personal opinions, they care about the community. These decisions are not taken lightly, she stated.

The roll call vote; Spade, aye. Frank, aye. Burke, aye.

Res. 809-07 Janie moved to adjourn the Public Hearing. Lynn seconded. The hearing ended at 9:30pm.

Barbara Schaub