

Bristol Twp. Zoning Commission
Meeting Minutes September 11, 2019

- 1) The meeting was called to order By Chairman Weeks at 7:00 PM.
- 2) The Pledge of Allegiance was led by Chairman Weeks.
- 3) Roll Call: Present – Mr. Weeks, Mrs. Mastromatteo, Miss Ash, Mrs. Marino. Chairman Weeks appointed Mr. McMonagle to act as a member of the commission in the absence of Mrs. Martorana.
- 4) Mr. Weeks read the Public Notice of this meeting that appeared in the Tribune on September 10, 2019, into the record.
- 5) BTZC-19-27: Motion to approve the minutes from the meeting held on August 14, 2019 was made by Mr. McMonagle.
Second was made by Miss Ash.
Discussion: None
Roll Call: Mr. Weeks – yes, Mrs. Mastromatteo – yes, Miss Ash – yes, Mr. McMonagle – yes, Mrs. Marino – yes.

The Secretary will forward the approved minutes to the twp. fiscal officer for posting on the twp. web site.
- 6) General: Attendance – Mrs. Ellen Gordon, Mrs. Sandy Ash, Mr. Kurt Holko, Mr. George Gordon.
- 7) Zoning Inspector report dated 9.03.19 was e-mailed to each of the commission members.
- 8) Discussion on ORC Section 4501.01. This was tabled by the chairman.
- 9) Discussion on Section 19: Zoning Certificate.

Adds are green deletes are in red

SECTION 19: ZONING CERTIFICATE

A. Before constructing, locating or changing the use of any premises, application shall be made to the Township Zoning Inspector for a Zoning Certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use, and shall include a plot plan. Plans, and specifications showing the proposed locations and dimensions of the building and the proposed use, all of which shall be included in the permanent record of the applications within ten (10) days after receipt of the application. The Zoning Inspector shall issue a Zoning Certificate if the proposed construction, alteration, or change of use by the application complies with the requirements of this resolution and the application is accompanied by the proper fee, or shall refuse the same, if it does not comply.

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B In the event of an emergency, including fire, windstorm, flood, or other act destroying all or part of the dwelling house, building, or structure, making the same uninhabitable, the zoning regulations herein may be temporarily suspended in-so-far as they may apply, at the discretion of the Zoning Inspector, by permitting a temporary structure to be used in the place of such destroyed building while it is being repaired or replaced. Under said conditions, the Zoning Inspector may permit the use of trailers under 1000 square feet or other building for a six (6) month period.

C. A Zoning Certificate when obtained by an applicant shall not be transferred to another person or to another property and the fee paid therefore shall be non-refundable.

D. The Zoning Inspector shall notify the applicant of any manner in which such application violates any of the terms and conditions of this resolution and the applicant may thereupon amend his application accordingly. If an application is denied by the Zoning Inspector, he shall notify the applicant in writing, setting forth the reasons for such denial. The applicant may present as appeal in accordance with the provisions of this resolution. In the event that the terms and conditions contained in said zoning certificates are not performed or in the event that the terms and conditions contained in said Zoning Certificates are not performed or in the event that the statements made in the application are untrue, said Zoning Certificate may be revoked on the order of the Zoning Inspector and thereupon all work under such revoked permit shall cease. In the event of such revocation, any construction, reconstruction, enlargements, or alterations of any building or structure not in conformity with such revoked permit or this resolution shall be deemed to be in violation of this resolution and shall be removed or restored at the expense of the violator and the cost.

E. A Zoning Certificate shall expire at the end of ninety (90) days from the date of issuance and unless construction, location, change of use of, or (90) or alteration of any building or premises is not commenced within said nine (90) day period, a new application for another Zoning Certificate must be made with the Zoning Inspector. For any renewal, reconstruction, enlargement or other change of any nonconforming use, the owner of the premises must make an application to the Zoning Inspector for a Zoning Certificate.

F. It shall be the sole responsibility of other Record Owner of the real estate to secure any **permit zoning certificate** required in the Zoning Resolution, regardless of any private contract, lease, or agreement to the contrary enforcement of this Zoning Resolution shall be against the Record Owner of the real estate, and any other interested party.

BTZC-19-28: Motion: Revise Section 19 Zoning Certificate: add an alpha letter to each paragraph, as an identifier, revise paragraph F by deleting the word permit and adding the words zoning certificate was made by Mr. Weeks.

Second was made by Mrs. Mastromatteo.

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Discussion: The Trumbull County Planning Commission recommended approval of the “zoning text changes” (TCPC Resolution Z-2019-08) at their meeting on Aug. 13, 2019.

Roll Call: Mr. Weeks – yes, Mrs. Mastromatteo – yes, Miss Ash – yes, Mr. McMonagle – yes, Mrs. Marino – yes.

The Zoning Commission will schedule a public hearing and have a public notice published in the Tribune.

11) Discussion on revising Section 23 Board of Appeals.

SECTION 23: BOARD OF APPEALS

Adds are in Green

A. There is hereby created a Board of Zoning Appeals of five (5) members, appointed by the Bristol Township Trustees, who shall be residents of the unincorporated area of the District. The term of each member shall be five (5) years, beginning January 1, except the terms of the original members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term. The Ohio Revised Code 519.13 allows for expenses and compensation as approved and provided by the township trustees.

- B. The Board of Zoning Appeals shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning laws or of this resolution or any amendments thereto.
 2. To authorize, upon appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of this provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirits of the resolution shall be observed and substantial justice done.
 3. Consider applications for Conditional Zoning Certificates. See Section 33.
 4. Consider applications for Substantially Similar Uses. See section 34.

C. In exercising the above mentioned powers, such Board may, in conformity with the provisions of law and this resolution and amendments thereto, reverse or affirm, wholly or partly, or may notify the order, requirement, decision or determination appealed from and may make such order, requirements, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

D. The Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of this zoning resolution. Meetings of the Board of Appeals shall be

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held at the call of the Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or his absence of failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board of Township Trustees and shall be a public record.

E. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or any officer of the Township affected by a decision to the Administrative Officer. Such appeals shall be taken within twenty (20) days after the decision by filing with the Officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

F. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, giving ten (10) day notice to the parties of interest, and decide the same within thirty (30) days after submitted, upon the hearing, any party may appear in person or by attorney, any person adversely affected by a decision of a Board of Zoning Appeals may appeal to the Court of Common Pleas of this County on the grounds that such decision was unreasonable or unlawful.

BTZC-19-28: Motion: Revise Section 23 Board of Appeals: add alpha letters to each paragraph as an identifier, and add text to paragraph B, sub paragraphs 3 and 4 was made by Mr. Weeks.

Second was made by Mr. McMonagle.

Discussion: The Trumbull County Planning Commission recommended approval of the “zoning text changes” (TCPC Resolution Z-2019-08) at their meeting on Aug. 13, 2019.

Roll Call: Mr. Weeks – yes, Mrs. Mastromatteo – yes, Miss Ash – yes, Mr. McMonagle – yes, Mrs. Marino – yes.

The Zoning Commission will schedule a public hearing and have a public notice published in the Tribune.

12) Discussion of a letter from the Trustees, dated July 16, 2019, requesting the Zoning Commission review Section 10 Setback Building Lines.

Two options:

1. Do not make any changes to Section 10.
2. Delete the second paragraph of paragraph A Section 10

SECTION 10: SETBACK BUILDING LINES

Deletes in Red Adds in Green

OPTION 2

A. No building or structure or any portion thereof, except steps and uncovered

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porches less than ten (10) feet in width shall be erected within fifty (50) feet of the right of way sideline of any road or street except on roads where a uniform setback of less than fifty (50) feet has been maintained by a majority of the buildings within one-quarter mile distance on either side of such building.

If a uniform setback of more than fifty (50) feet has been maintained by the majority of the buildings within one-quarter mile distance on either side of such building, then such uniform setback shall be continued.

B. If there is no established right-of-way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the road.

BTZC-19-29: Motion to leave Section 10 as it was written in original Ordinance was made by Mrs. Mastromatteo.

Second was made by Mr. McMonagle

Discussion: None

Roll Call: Mr. Weeks – yes, Mrs. Mastromatteo – yes, Miss Ash – yes, Mr. McMonagle – yes, Mrs. Marino – yes.

Mr. Weeks will draft a letter to the Trustees for review at our next meeting.

13) Discussion: Section 18: Zoning Inspector.

A. Add text to confirm who to contact for interpretation of the Bristol Twp. Zoning Ordinance.

B. This item was tabled from the Aug. 14 meeting.

Example:

SECTION 18: ZONING INSPECTOR

A. The position of Zoning Inspector is hereby created. The Zoning Inspector, and such assistants as may be determined necessary, shall be appointed by and serve at the pleasure of the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide. The Zoning Inspector shall keep records of all applications for Zoning Certificates and the action taken thereon. These records shall include dates of such applications and actions.

B. ~~The Zoning Inspector shall be the point of contact for inquiries requiring interpretation of the Bristol Twp. Zoning Ordinance.~~

BTZC-19-30: Motion not to add paragraph B to Section 18 was made by Mrs. Mastromatteo.

Second was made by Miss Ash.

Discussion: There was discussions for and against.

Roll Call: Mr. Weeks – no, Mrs. Mastromatteo – yes, Miss Ash – yes, Mr. McMonagle – no, Mrs. Marino – no.

We will discuss this issue further at our next meeting.

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14) Reminder only: Discuss solar panel and wind farms at a later date.

15) Discussion on Section 35: Sign Regulations.

There was a lot of discussion on the four options available. It was decided to eliminate option 1 and option 4. We are all to look into using the term Variable Message Sign and its definition instead of Electronic Messaging Center, and get back with Mr. Weeks within 2 weeks with our findings.

Options 2 and 3 both have some very good points and we will be looking into combining the two of them. Mr. Weeks will draw up a draft for discussion at our next meeting.

16) Review Calendar

*Quarterly/Regular Meetings 2019	Work Sessions	Public Hearings
*January 9	February 13	
*April 10	March 13	
	May 8	
June 12		
*July 10		
August 14		
September 11	November 13	
*October 9	December 11	October 9, @ 6:30 PM

BTZC-19-31: Motion to add Public Hearing on October 9 at 6:30 PM for Section 19 and Section 23 was made by Miss Ash.

Second was made by Mr. McMonagle.

Discussion: None

Roll Call: Mr. Weeks – yes, Mrs. Mastromatteo – yes, Miss Ash – yes, Mr. McMonagle – yes, Mrs. Marino – yes.

17) BTZC-19-32: Motion to adjourn was made by Miss Ash.

Second was made by Mrs. Mastromatteo.

Roll Call: Mr. Weeks – yes, Mr. Mastromatteo – yes, Miss Ash – yes, Mr. McMonagle – yes, Mrs. Marino – yes.

Meeting was adjourned at 8:17 PM.

Submitted by Carolyn Marino, Secretary