

BRIMFIELD TOWNSHIP ZONING COMMISSION

BRIMFIELD TOWNSHIP ZONING COMMISSION

REGULAR PUBLIC MEETING

MINUTES of January 14, 2015 at 7:00 PM

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

Present: Chairman Ron Jones V.P. Gary Rodd Debbie Darlas
William Kremer Tom Sargent

Alternates: Nicholas Coia

Absent:

Staff Present: Dick Messner, Zoning Inspector
Wendi O’Neal, Assistant Zoning Inspector

Public Present: Sue Fields, Brimfield Township Trustee
Robert Keller, Brimfield Township Executive
Debbie Darlas, 487 Old Forge Rd.
Tom Sargent, 521 Old Forge Rd.
Pat Blair, 3547 Elmhurst Court

The Zoning Commission is called to order by Zoning Administrator **Dick Messner**, at 7:02 PM on Thursday, January 14, 2015 at the Brimfield Township Town Hall.

Roll call:

Darlas: Here **Jones:** Here **Kremer:** Absent **Rodd:** Here
Sargent: Here **Coia:** Here

Dick Messner states that Mr. Bill Kremer did call to state that he was going to be ten to fifteen minutes late.

Election of Officers:

First Call for nominations for Chairman:

Debbie Darlas nominates and motions that **Ron Jones** remain as chairman, seconded by **Gary Rodd**.

Second Call for nominations for Chairman:

NONE; being none, no need for third call.

Roll call:

Darlas: Yes **Jones:** Yes **Kremer:** Absent **Rodd:** Yes
Sargent: Yes **Coia:** Yes

BRIMFIELD TOWNSHIP ZONING COMMISSION

Chairman for the calendar year 2016 will be **Ron Jones**.

First Call for nominations for Vice Chairman:

Ron Jones nominates **Gary Rodd** for Vice Chairman, seconded by **Tom Sargent**.

Second Call for nominations for Vice Chairman:

NONE; being none, no need for third call.

Roll call:

Darlas: Yes **Jones:** Yes **Kremer:** Absent **Rodd:** Yes
Sargent: Yes **Coia:** Yes

Vice Chairman for the calendar year 2016 will be **Gary Rodd**.

Dick Messner, Zoning Administrator turns the meeting over to Chairman **Ron Jones** at 7:06 PM.

Roll call:

Darlas: Here **Jones:** Here **Kremer:** Absent **Rodd:** Here
Sargent: Here **Coia:** Here

The Zoning Commission sets the meetings for the second Thursday of each month at 7:00 PM at the Township Town Hall, 1333 Tallmadge Rd. Kent, Ohio 44240.

Roll call:

Darlas: Yes **Jones:** Yes **Kremer:** Absent **Rodd:** Yes
Sargent: Yes **Coia:** Yes

For the Record, **William Kremer** arrived at 7:06 PM

MOTION #2016-001

William Kremer makes a motion to accept the Agenda as presented and was seconded by **Debbie Darlas**. Motion passes unanimously.

MOTION #2016-002

A motion is made by **Debbie Darlas** to approve the minutes of the previous Public Hearing December 10, 2015, with a seconded from **William Kremer**. Motion passes unanimously.

MOTION #2016-003

A motion is made by **Debbie Darlas** to approve the minutes of the previous December 10, 2015 Brimfield Township Zoning Commission Regular Scheduled Meeting with the amended date for November 12 to December 10, with a seconded from **Gary Rodd**. Motion passes unanimously.

MOTION #2016-004

BRIMFIELD TOWNSHIP ZONING COMMISSION

A motion is made by **William Kremer** to recess the meeting to discuss a new business at 7:10 PM and was seconded by **Debbie Darlas**. Motion passes unanimously.

The meeting is brought back to order by **Ron Jones** at 7:15 PM.

PUBLIC COMMENTS:

Sue Fields, Brimfield Township Trustee: Just wanted to come as a meet and greet. That I am here; my cell phone works so you can call me.

William Kremer: This is the first time I have seen a Trustee at a Zoning meeting in I can't tell you how long. It has been a really long time.

Gary Rodd: Well since the last time she was here. You were the last one here.

Sue Fields: I was the last one! I think I was chairman that year too.

Debbie Darlas: And even Bob being here. It's a shocker.

William Kremer: Anyways, it is just nice to see you here.

Debbie Darlas: Thank you Sue and Bob!

OLD BUSINESS: None

NEW BUSINESS:

Brimfield Township Board of Trustees at the Wednesday, January 6, 2016 regular meeting moved to request the Zoning Commission to start the process to amend the zoning resolution to change the zoning from Heavy Industrial (H-I) to Residential on the following parcels:

- **04-053-00-00-005-002 – Owner: Debbie Darlas**
- **04-053-00-00-005-007 – Owner: Jeff and Marie Thomas**
- **04-053-00-00-005-003 – Owner: David and Donna Ross**
- **04-053-00-00-005-004 – Owner: Thomas and Brenda Sargent**
- **04-053-00-00-005-005 – Owner: Janice Oleary (Wyatt)**

Ron Jones stated that for the record two of the Board members (Debbie Darlas & Tom Sargent) own property with the five parcels to be rezoned, and have graciously recused themselves from this discussion and any action taken in this amendment process; they will move to the public audience.

Nicholas Coia, First Alternate, would now at this time will become a voting member.

Gary Rodd: I have a question, it says that the Board of Trustees made the motion to send it here, did we send that to them?

Dick Messner: I have some information in chronological order for the meeting it will be followed on the PowerPoint.

- The request came on the first sheet: “ We the undersigned, are requesting a zoning change from Heavy Industrial back to Residential 1 for the following reasons: 1. Significant difficulty in refinancing 2. Unable to obtain conventional bank loans 3.

BRIMFIELD TOWNSHIP ZONING COMMISSION

Negative impact with home appraisals 4. Negatively limited buyers market due to limited available financing” (“Exhibit A”)

- A letter from one of the applicants and property owners signed Jeff Thomas to Brimfield Zoning and JEDD (“Exhibit B”).
- A letter from the Zoning Department to the Trustees for the initiation of the zoning amendment (“Exhibit C”): “Trustees Initiation for a Zoning Amendment – A motion, second, discussion and affirmative [majority] vote to direct the Zoning Commission to start the amendment process for a specific and/or a general area of zoning district or land use area. State the district or area of concern as to type of change or modification of change and reason for change. To Zoning Commission:
Proceed with the process to amend the Heavy Industrial [H-I] sections of the district that include the following parcels to a residential district (listed above and in “Exhibit C”) Reason: Four [4] parcels platted as the Gaffey residential subdivision and one [1] parcel in mid-section of the sub division. All parcels legal non-conforming lots. [Parcels] Change to residential zoning district that will make subject parcels legal conforming. Note: As residential platted parcels, subject parcels are not included in the Brimfield- Tallmadge Joint Economic Development District [JEDD]”
- Brimfield Township Zoning District Map – red circle- south east, zoning section 53, bordered on the north side of Old Forge and slightly west by one parcel of Sunny Brook Rd.
- Tax Map with red outlined the five (5) parcels involved.
- Property Reports from the County Auditor’s report of each subject parcel.
- Next shows the parcels that would need to contact because they are contiguous to and/or within 500 feet of the subject parcels: Section 53, Section 52, Section 56
- For the Record, have copies of the Ohio Revised Code Section 519.12 Zoning Amendments: 519.12.A.1, 519.12.A.2, 519.12.B, 519.12.C, 512.19.D, 519.12.E, entered as a matter of record due to some confusion in the past with the process.

Nicholas Coia: One question on 519.12 is this the most recent because it is 2009 dated?

Dick Messner: Yes.

Nicholas Coia: There hasn’t been any updates?

Dick Messner: No, this is up to date.

Ron Jones: Okay thank you Mr. Messner. Are there any questions, concerns, comments?

William Kremer: I can’t go without a comment; it is part of my DNA. When you look at real estate financing in 2002, 2003, 2004 you had no doc-loans, you had 80/20-loans, you had interest-only loans; you had the federal government mandating that lenders make loans to borrow even if they couldn’t afford to repay them. It was a truly a different real estate market in the early 2000s particularly after 9/11. Then we ended up with 2007 and 2008; then we had five years of crap. And now all of a sudden we have all new banking regulations that have gone into effect and continue to go into effect. So today’s financing was totally different than what it was when we were writing this zoning code 12-13 years ago. So you have to look at it from that stand point. It didn’t matter if it was zoned industrial or dairy cow land or whatever it was because it really would not have made any difference because you already had the houses there.

BRIMFIELD TOWNSHIP ZONING COMMISSION

They were already single family houses and it was what it was, but today's environment isn't that way. The federal government is looking as hard as they possibly can to pin the blame on a lender if a loan goes bad; because they do not want to pay the mortgage insurance that might be on that loan and they don't want to have to suffer the losses that are always severe in any foreclosure that you see anywhere in America. So they are out there looking at the lenders saying that we are going to find a reason to blame this fault on you; that you did something wrong, you shouldn't have lent on that kind of property or you shouldn't have lent to that buyer, you should have done this and you should have done that, etc.. It is your fault that the buyer did not perform correctly. So you eat it because the government doesn't want to eat it. Well, what that has done is impacted millions of property owners all around the country that now all of a sudden makes zoning is an issue; where zoning wasn't an issue 15 years ago. The government was the exact opposite 15 years ago, the government was begging the lenders to make the loans to the borrowers for a lot of economic reasons. When you look at these properties today, and I don't live very far from there; I drive by there every single day and there is probably never a day that I don't drive by there. I could tell you how many cattails are in the backyards of most of these properties. I can't tell you how deep the water is but there is a bunch of it over there, but I'm not jumping in. The topography is very difficult if you were going to build anything other than what is there, the costs of creating new topography, the improbability of the Core of Engineers or the EPA ever allowing you to disturb the wetlands. I don't know what you could do with this real estate other than residential single-family. And you already have residential R-1, across the street which is quite frankly much nicer real estate than what is on this side of the street; at least the ground is flat and you could do something with it, here.

Ron Jones: If I'm correct, yours's the only duplex?

Debbie Darlas, 487 Old Forge Rd: There is another one next to me.

Ron Jones: There is another one. Okay.

Gary Rodd: There are two of them.

William Kremer: How much backyard do you have before you go to the wetlands?

Debbie Darlas, 487 Old Forge Rd: I'm not sure.

Tom Sargent, 521 Old Forge Rd: It is probably 100 feet.

William Kremer: Is it that much? Wow. I have never walked in your backyard so I don't know, but it doesn't look like it was that much from the street.

Gary Rodd: You might get shot so don't go!

William Kremer: Yea, I'm not going; not trying to get my death card away.

Debbie Darlas, 487 Old Forge Rd: You would not get shot.

Ron Jones: Anyone else?

Debbie Darlas, 487 Old Forge Rd: I feel like I should comment on that. I did check with my lender; Wells Fargo is the company I bank with. They have told me that I could not sell my home to say Sue or Tom because they would have to go through a commercial banker for a five year loan.

William Kremer: That is correct.

Debbie Darlas, 487 Old Forge Rd: They would only give them a five year loan with a high interest rate. They would have a tough time.

William Kremer: I do Wells Fargo loans; so I am very familiar with that.

Debbie Darlas, 487 Old Forge Rd: That is who my mortgage company is with.

BRIMFIELD TOWNSHIP ZONING COMMISSION

William Kremer: I do them every single day.

Sue Fields, Township Trustee: For discussion, I understand that one of the property owners a few years back, (I don't recall which owner it was) built his house there and he paid \$500 for..

Debbie Darlas, 487 Old Forge Rd: That was Jeff Thomas, the neighbor behind me.

Sue Fields, Township Trustee: Jeff and Marie Thomas, they paid \$500 for a permit to build there, with us changing the zoning, if you do decide to go ahead and revisit this zoning issue here, I would like for you to consider waiving that \$500 fee for the property owners.

Dick Messner: Sue, the initiation by the Township Trustees or initiation by the Zoning Commission there are no fees involved.

Sue Fields, Township Trustee: Okay, good.

Gary Rodd: Then on the other hand of what Bill says now if you all, listen to the TV, radio and all that, they are trying to tell you that you can get a loan in a minute. Everybody and their brother is wanting to give you a loan here, a loan there. And you [William Kremer] are in it every day, so you know what is going on.

William Kremer: Oh, I do know.

Gary Rodd: It's just the atmosphere right now. Everybody wants to refinance or anything like that. So it is kind of in the air but nobody knows what is really going on.

Ron Jones: You can get the refinance but they are really picky anymore; all of them are.

William Kremer: In 2003 your lending requirements were over here [way right] and in 2013 the lending requirements were over here [way left] and at some point in time they will probably ease, maybe, closer to the middle. But I do not see that happening anytime soon only because when you look at the foreclosures that are occurring right now in North Dakota, South Dakota, Texas, and Oklahoma; that part of the country is being devastated with unemployment due to oil. So the foreclosure rate is staggering. You know, the rest of the country is not feeling it because we are actually booming with fracking in Central Ohio and Southern Ohio but for the most part the winds are changing. And you are going to see, not only new regulations that have gone into effect starting in October 2015 but if the foreclosure rate continues as it has in the last six months in those states that I just mentioned you are going to see a lot more intensity. Every loan in America today, every single residential mortgage loan gets audited. And even through the sequester nobody ever got laid off in that department, and there are good reasons for that. They have gone way out of their way to standardize documents, to make the process to where people who are getting loans should be getting the loan and people who shouldn't get loans don't. And that is the way it should have been all along anyway but that's a different story for a different day. But it is going to remain difficult. By having said that, whether it is an issue or whether it is not an issue I think you have to see what is sitting there right now on Old Forge Road. And what do you do with these folks? If you say that we are going to leave it industrial is anybody going to go there and ever do anything industrial on those lots? I mean, if you feel if that land has some valuable industrial qualities that this community needs, then I think that we should vote accordingly. I just don't see it with the wetlands and the topography there. The land down the street where you have that one company that just moved in; it's got the three trucks sitting out front. I forget the name of it.

Debbie Darlas, 487 Old Forge Rd: They used to be on Tallmadge Road right there by Walmart.

BRIMFIELD TOWNSHIP ZONING COMMISSION

William Kremer: But that is a parcel that is conducive to what they are doing. But does anybody remember how much they filled in there?

Debbie Darlas, 487 Old Forge Rd: I don't know.

William Kremer: I do. I can say how much fill dirt is in there; there is A LOT of fill dirt in there. And I will bet that they did not go to the EPA and get permission to fill that but it's filled anyway.

Tom Sargent, 521 Old Forge Rd: If you go behind that property it is all wet; it's all swamp.

William Kremer: Oh, yes.

Tom Sargent, 521 Old Forge Rd: There is a drainage ditch that goes through there that we discovered after we moved in. We contacted Portage County Soil and Water Conservation to come out and take a look at it. There has been so many things that have gone on since 1980 and the whole thing has been a learning experience.

William Kremer: Is that the same ditch that they just cleaned up that goes out to Sunny Brook?

Tom Sargent, 521 Old Forge Rd: No, I said a ditch, there is a clay tile that goes underneath and we used to find the water coming up out of the ground because of it. The Bochert's found it, intercepted it and re-routed it and focused in.

Ron Jones: Okay, are there any other comments?

Dick Messner: Mr. Chairman you will have to ask for a motion to accept the directive from the Trustees to start the amendment process, due process of an amendment as presented.

Ron Jones: Okay before we do that can I take a ten minute recess and go into work session with the Board members?

Dick Messner: You can go into a work session but not an executive session.

Ron Jones: Can we leave or we have to stay in the room?

Dick Messner: You can send us out of the room or you guys can go into my office.

Ron Jones: Okay. I would like to do that. Take a quick ten minute recess for a work session with the Board members.

Dick Messner: You are also allowed to call one or more persons in if you would need to.

Ron Jones: Okay, thank you.

Recess for Work Session at 7:33 PM. Members – Ron Jones, Gary Rodd, William Kremer and Nicholas Coia went to the recess into the zoning office.

Meeting brought back to order at 7:55 PM by Chairman Ron Jones. Thanks everyone for patients and states they needed to discuss this amendment.

MOTION #2016-005

A motion was made by **William Kremer** to send the submitted amendment to Regional Planning approved as submitted but amended to be R-3, rather than R-1, seconded by **Gary Rodd**. Motion carries.

MOTION #2016-006

A motion was made by **William Kremer** to accept the recommendation by the Brimfield Township Board of Trustees to amend the five subject parcels from Heavy Industrial (H-I) to Residential, seconded by **Gary Rodd**. Motion carries.

BRIMFIELD TOWNSHIP ZONING COMMISSION

Ron Jones: Ok so that will be sent off to Regional Planning.

Wendi O'Neal: Mr. Chairman please make sure you set the public hearing for February 11, 2016.

Ron Jones : Okay.

Gary Rodd: When it comes back we will review it, see what their recommendations are and then we will discuss and see where we go from there. Do you understand the R-3?

Tom Sargent, 521 Old Forge Rd: Yea, I don't have any issue with it because I am new to zoning so I am still trying to understand. I know R-2 is multi-family, what is R-3?

William Kremer: No, R-2 is one acre lots.

Dick Messner: You have six zoning districts for residential running from five acre lots to quarter acres lots.

Tom Sargent, 521 Old Forge Rd: Okay.

Dick Messner: Only in high density, R-3, R-4, are you allowed to get away from single family. R-3 duplexes are allowed on conditional approval from the appeals board, R-4 permitted use is multi-family. R-1 would be the same situation as non-conforming.

Gary Rodd: R-1 would not suit what we are trying to do because of the duplexes.

Debbie Darlas, 487 Old Forge Rd: and R-3 wouldn't make it stand out?

Gary Rodd: R-3 would set you in good shape.

Tom Sargent, 521 Old Forge Rd: That's what you were talking about before.

Dick Messner: R-3 would set you as conforming and satisfy the area requirements. R-2 you would still be non-conforming.

Gary Rodd: Right.

Tom Sargent, 521 Old Forge Rd: This is a learning curve for me to.

Ron Jones: So we are going to send it to Regional Planning, would it be back from regional for next month?

Dick Messner: Yes.

Ron Jones: Okay lets set the public hearing prior to the regular meeting.

Wendi O'Neal: 6:45 PM, Thursday, February 11, 2016 is the Public Hearing. Regular scheduled meeting to follow at 7:00 PM.

Tom Sargent, 521 Old Forge Rd: Just have a question for a neighbor. I just want to get a handle on time frame, because one of the other neighbors wants to go in for refinancing and she wanted to know how long this will the process take.

Gary Rodd: Months.

Dick Messner: You know normally, it is a four to six month process. To be perfectly honest with you until what happens next month at the public hearing and like I say we could have nobody show up or we could have a jammed packed room. Most of the stuff will go through in one or two meetings, the longest I have seen was with the appeals board and it went 13 months with a hotel.

Ron Jones: The other thing that we want to do is, although we are doing first-class mail and in the paper of course, we would to do registered letters to the adjoining lands.

Gary Rodd: Now how is it in the O.R.C.?

Dick Messner: Just states first-class mail.

Gary Rodd: Okay we would like the registered letters to the adjoining property owners. Our mail service has been terrible lately and we don't want this falling through the cracks or someone

BRIMFIELD TOWNSHIP ZONING COMMISSION

stating that they didn't receive anything. Okay after looking at the list of properties to be contacted there not being that many, we would like all to be registered, and receipt upon delivery.

GOOD OF THE ORDER:

Debbie Darlas and **Tom Sargent** resume their seats as voting members.

Dick Messner: Mr. Chairman during this process with two members being recused from the process you only have four active voting members. It still takes three people, the majority, of a full board with the compliment of five, not the sitting board so it takes three votes for whatever decision this Board makes.

Ron Jones: Right. So I need everybody to be here if they would for all the meetings through this process.

Sue Fields, Township Trustee: How many people is considered to be a full board?

Dick Messner: Five.

Sue Fields, Township Trustee: And these two, **Debbie Darlas** and **Tom Sargent**, are abstaining?

Ron Jones: They, **Debbie Darlas** and **Tom Sargent**, voluntarily recused themselves, and we have one alternate taking their place. We will have a total of four people.

Sue Fields, Township Trustee: Do you need more alternates?

Dick Messner: This is all we have.

Wendi O'Neal: Mr. Chairman, during the last meeting, reading from the previous meeting minutes, you stated "you would like to have someone as soon as possible with this upcoming application since the Board would be down to four voting members. The fifth would be very helpful and I would like to have a full board with this application." Gary stated "that if someone is sick we are going to be in trouble."

Ron Jones: Okay.

Wendi O'Neal: We do have Tom Johnson and also Pat Blair is going to send in his application. I can have their applications sent out to the Board members if you would like.

Dick Messner: It is the opinion of the Zoning Administrator that you do not accept any applications from any that have not been trained. We are into a very viable amendment process here, possibly. And I don't think that any board member coming on without getting first acquainted and orientated into the Brimfield Township Zoning Code and Resolution. And also at least familiar with what we just went through with the revised code. And I don't think you can do that in one month.

Gary Rodd: As long as we have three, we are fine. So hopefully everybody will be present.

Ron Jones: I certainly appreciate the alternates applying and we are always looking for alternates to be moving into a position. And thank Mr. Blair and Mr. Johnson. We do need one more, I believe we need somebody over in appeals also.

Sue Fields, Township Trustee: For the Good of the Order, I just want to say I appreciate all the work that you people do, because you make my job a whole lot easier.

Dick Messner: Mattress Firm, 4,000 sq.ft. Cascades – Subdivision Regulations – Akron-General Cleveland Clinic – Mogadore Rd. clearing owned by East End Welding.

BRIMFIELD TOWNSHIP ZONING COMMISSION

SET NEXT MEETING:

Thursday, February 11, 2016 at 6:45 PM is the Public Hearing set at the Township Town Hall.

Thursday, February 11, 2016 at 7:00 PM is the next set regular scheduled meeting at the Township Town Hall.

MOTION #2016-007

A motion was made **Debbie Darls** by to adjourn the January 14, 2015 at 8:00 PM, seconded by **William Kremer**. Motion passes unanimously.

Chairman Ron Jones

Vice Chair Gary Rodd

Debbie Darlas

William Kremer

Tom Sargent

Secretary Wendi O'Neal

Alternate Nicholas Coia