

**Zoning Commission Meeting
October 11, 2007**

Members/Attendance: X Connie Coloutes
 X Chuck Arendas
 X Doug Susany
 X Bob DeLost
 X Joan Madej

Also in attendance: X Bob Monus, Zoning Inspector
 X Michele Richards, Recording Secretary

1st Order of Business:

Joan Madej made a motion to accept the minutes from the August 23, 2007 meeting. Bob DeLost seconded the motion. Motion carried.

2nd Order of Business:

Connie Coloutes stated that the purpose of this meeting is to discuss the issue of property maintenance.

Joan Madej stated that she had reviewed Boardman Township's property maintenance article.

Connie Coloutes stated that in Boardman Township's article there is no mention of grass clippings and she is concerned about that. She has a neighbor that is piling up grass clippings behind his shed. Connie stated that clarification needs to be made regarding grass clippings and composting. Joan Madej suggested defining composting under the Definitions section of Boardman's article.

Joan Madej stated that the definition of public nuisance in Boardman's article is very clear and should provide some leeway in addressing some of the issues.

Chuck Arendas stated that he does not like any part of Boardman's article. He feels that if the Board passes this article, 90% of the houses in his neighborhood would be in violation. He stated he would like to forget the whole issue.

Connie Coloutes disagreed and distributed pictures of a house in her neighborhood that needs some repairs. She stated that this house is depreciating the houses in her neighborhood.

Doug Susany stated that he feels the Board is overstepping their bounds when it comes to house foundations, siding and deck issues. The purpose of zoning is to protect the health, safety and welfare. He doesn't feel that zoning has the right to regulate home maintenance.

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Joan Madej stated that it should address the health, safety and welfare in regards to a structure that is leaning and is a safety hazard. As far as aesthetics, she doesn't feel the Board should get into that.

Connie Coloutes stated she agrees with Boardman's article on property maintenance.

Chuck Arendas stated if people want to live under a maintenance article, they should live in a gated community or condo association. Doug Susany agreed.

Connie Coloutes stated the current procedure is that the Zoning Inspector, Bob Monus, has to bring the properties that need abated before the Trustees, and the Trustees have to pass a resolution to take them to court. The property maintenance issue is to help make the zoning inspector's job easier.

Doug Susany asked Monus to explain the current procedure. Monus stated they are nuisance orders, which involve vacant or foreclosed homes, that have a lot of junk in their yard, or lawns that need to be mowed, can be addressed under the nuisance abatement order, which is a provision in the Ohio Revised Code. By resolution the landowner is put on notice that they have seven days to abate the nuisance or make arrangements to abate the nuisance. If they do not do that, the township will clean up the property and assess any costs by placing a tax lien to the property.

Doug Susany asked Monus if there is already a process in place to address these problems. Monus stated the process that is in place, is done in extreme cases only because the township has to front the money and wait at least a year to get the money back. Doug Susany reiterated that there is already a process in place. Susany stated that if a person has lost their home they obviously do not have the money for the upkeep. Susany stated he feels a man's property is his property and we need to protect that right. Susany stated he does not remember a definition of zoning to enhance property values. Monus stated it is for the aesthetics and it ultimately enhances the property values. Susany stated he feels we are overstepping the intent of zoning.

Bob DeLost asked Monus how many properties the township has cleaned up in the past year. Monus replied 35-40 properties.

Joan Madej asked Monus if it would suffice if we just dealt with the public nuisance end of it (as described in Boardman's article). Monus stated that Boardman Township is home ruled and they have more statutory legislative authority than regular townships. They can write more legislation and be run more like a city, whereas townships do not have that latitude. Madej stated that Boardman's definitions discuss the health and safety of the community. She also stated she believes there are good points under the public nuisance section of Boardman's article.

Doug Susany asked about parking in your yard. Connie Coloutes replied that it leaves ruts and mud holes in your lawn. Doug asked how that affects the health, safety and welfare of the community. Also, if an individual parks on their lawn and he is told he

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can't, there is no law against him putting down two inches of gravel in that same area and parking there because now it is a driveway. Monus stated if it is a class A street you are required to put down a hard surface. Monus stated if it is a class B street there is no problem with putting gravel down while maintaining three feet off the property line, but if it is a class A street you have to put down a hard surface (brick, cement, or blacktop). Gravel is not a hard surface.

Doug Susany stated he feels that the township already has a system in place to deal with property maintenance issues. Chuck Arendas agreed. Susany stated that the zoning is the health, safety, and welfare of the community and we are overstepping our boundary. Connie Coloutes stated she disagrees.

Monus referred to the Zoning Resolution book, Article I Authorization, Preamble and Title, Section 1.02 Purpose, which reads, *“the purpose of this Resolution is to establish guidelines in order to protect, promote and improve the public health, safety and morals of the inhabitants of Poland Township by protecting and conserving the character and social and economic stability of residential, business, industrial and public use areas; by securing the most appropriate use of land; by preventing overcrowding of the land and the undue concentration of population; by providing adequate light, air and reasonable access; and by facilitating adequate and economical provision of streets, public utility systems, parks and recreation, and other public requirements, and by other means all in accordance with the Land Use Element for Poland Township, as shown on the Mahoning County Land Use Plan.”* Monus stated that this section pretty well sums it up, that we are here to protect all of that. Monus stated that the morals would be almost synonymous with character.

Connie Coloutes stated the Board should table the issue and discuss it at the next meeting.

Motion

Connie Coloutes made a motion to table the issue of property maintenance until the next meeting. Joan Madej seconded the motion.

Voting:

Yes Joan Madej
Yes Bob DeLost
Yes Chuck Arendas
Yes Doug Susany
Yes Connie Coloutes

Motion carried.

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Bob DeLost asked Monus to give the Board some guidelines as far as what he would like addressed in property maintenance. Monus stated any type of debris should be specifically addressed, such as metal or scrap wood. The items should be specifically identified. A miscellaneous material is already identified and if there are any arguments than that is up to the judge to decide. He stated it is helpful from a legality point to specifically identify the item. Monus stated his main objective is to keep the township clean. Monus stated he will continue doing the enforcements as he is now.

DeLost stated he feels the Boardman article is too restrictive and he feels the Board is looking for something that is not as restrictive.

The next meeting will be held December 6, 2007, at 7:00 p.m.

Meeting adjourned at 8:00 p.m.

Submitted by:
Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (6)
Zoning Commission (5)
J. Granitto (1)
File (1)