

1 THE ALLEN TOWNSHIP ZONING COMMISSION
2 VAN BUREN, OHIO

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4 In Re: Allen Township Zoning Commission

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6 TRANSCRIPT OF PROCEEDINGS

7 - - -

8 Thursday, June 27, 2024
5:00 p.m.

9 Allen Township Center
10 12829 State Route 613
11 Van Buren, Ohio 45889

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13 SUSAN L. COOTS, RPR
14 REGISTERED PROFESSIONAL REPORTER

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1 APPEARANCES:

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6 Findlay, Ohio 45840
7 (419) 424-7089
8 lmland@co.hancock.oh.us
9 On behalf of the Allen Township
10 Zoning Commission.

7

8 BOARD MEMBERS:

9 John Timmerman, Chairperson
10 Darrin Rehus, Vice Chairperson
11 Deb Stacy, Secretary
12 Dave Evans
13 Clara Pargeon
14 Milford "Joe" Smith, Township Trustee

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THURSDAY EVENING SESSION

June 27, 2024

5:00 p.m.

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P R O C E E D I N G S

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BE IT REMEMBERED THAT, on the 27th day of June, 2024, this cause came on for hearing before the Allen Township Zoning Commission. And the parties appearing in person and/or by counsel, as hereinafter set forth, the following proceedings were had:

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CHAIRPERSON TIMMERMAN: It's 5:00.

VICE CHAIRPERSON REHUS: It's 5:00 somewhere.

CHAIRPERSON TIMMERMAN: We'll call the meeting to order.

MS. LAND: It's 5:00 here.

CHAIRPERSON TIMMERMAN: All right. Dave Evans.

MR. EVANS: Here.

CHAIRPERSON TIMMERMAN: Wonderful. Clara.

MS. PARGEON: Here.

CHAIRPERSON TIMMERMAN: Darrin Rehus.

VICE CHAIRPERSON REHUS: Here.

CHAIRPERSON TIMMERMAN: Deb.

1 SECRETARY STACY: Here.

2 CHAIRPERSON TIMMERMAN: I'm John. I'm here,
3 too.

4 MS. PARGEON: Yay.

5 SECRETARY STACY: Yay. All right. I'll
6 read the minutes.

7 Allen Township Zoning Commission, June 20th,
8 2024. Attendance: Clara Pargeon, Deb Stacy, John
9 Timmerman. Dave Evans and Darrin Rehus were absent.

10 Deb Stacy, Allen Township Zoning Commission
11 Secretary, read the June 13th, 2024, minutes.

12 Motion 24-4-49-M. John Timmerman moved to
13 approve Allen Township Zoning Commission minutes from
14 the June 13th, 2024, meeting. Clara Pargeon moved to
15 second the motion. Motion passed.

16 The Allen Township Zoning Commission will be
17 preparing for the upcoming public hearing which will
18 be held on Friday, July 5th, 2024, at 6:30 p.m. at the
19 Allen Township Center.

20 Discussion took place regarding some
21 formatting and spelling corrections, as well as
22 clarification in a few locations of the Proposed
23 Resolution.

24 The next Allen Township Zoning Commission
25 meeting will be held on June 27th, 2024, at 5:00 p.m.

1 The Proposed Zoning Resolution and Maps can be viewed
2 or received from 6:00 to 7:00 that day.

3 Motion 24-4-50-M. John Timmerman moved to
4 adjourn the meeting. Clara Pargeon seconded the
5 motion. Motion passed.

6 CHAIRPERSON TIMMERMAN: Well, I move to
7 accept the meeting minutes as read.

8 SECRETARY STACY: All righty.

9 MS. PARGEON: I second it.

10 SECRETARY STACY: Clara is going to second.

11 And everyone in agreement, say "Yes."

12 (Vote taken.)

13 SECRETARY STACY: Motion passed. You're
14 signing that. Okay. Thank you.

15 CHAIRPERSON TIMMERMAN: All right. Do we
16 want to go straight into the mailer, or is there stuff
17 in the book that -- what makes the most sense, I
18 guess, is where my head's at?

19 MS. LAND: Why don't we -- actually, they
20 kind of dovetail together.

21 CHAIRPERSON TIMMERMAN: Sure.

22 MS. LAND: First of all, there's this load
23 of drivel y'all got in the mail.

24 CHAIRPERSON TIMMERMAN: Yeah.

25 MS. LAND: I don't know who wrote it because

1 they were not brave enough to put their own name on
2 it. They wrote "eAllen"; that's not a person. But
3 you guys all have to use your real names and get sued,
4 but they can hide behind this.

5 But I went through it today and I did some
6 checking on what they're saying. Most of what they're
7 saying is either completely not true or misinterpreted
8 and twisted, and I think that that needs to be
9 addressed. The other thing is, they did point out a
10 few typos, which I --

11 SECRETARY STACY: Yes.

12 MS. LAND: -- am able to now correct; so
13 I appreciate that they did my proofreading for me.
14 That was very nice.

15 CHAIRPERSON TIMMERMAN: Are you allowed to
16 make that correction based on that?

17 MS. LAND: Well, we'll talk about it. But,
18 actually, I am -- made up a page here for each of
19 you -- you should pass those around --

20 SECRETARY STACY: Sure.

21 MS. LAND: -- of the things that -- based on
22 something they point out as being an inconsistency or
23 something that whoever read this must have a 4th-grade
24 reading level did not understand. We -- I'm going
25 about getting these things sorted out for them.

1 SECRETARY STACY: Okay.

2 MS. LAND: And if I'm hurting somebody's
3 feeling, I don't know who it is because they didn't
4 sign their name.

5 Okay. Flip over to Page 7 of their stuff.
6 We'll go through with this at the same time. I think
7 that might be the best way to do it.

8 Did you get one? Did you guys --

9 VICE CHAIRPERSON REHUS: Yeah, we got one,
10 but...

11 MR. EVANS: I didn't bring it.

12 MS. LAND: Oh.

13 MR. EVANS: I read the first few pages of
14 it.

15 MS. LAND: (Unintelligible).

16 SECRETARY STACY: I'm done. I'm done.

17 MS. LAND: Took me half a roll of Roloids
18 and a cup of coffee, but I got through it.

19 It's -- actually, it's kind of deplorable
20 what's in here that got sent out to everybody. It's
21 misinformation to the point of some of it is flatout
22 lie, which I think is just incomprehensible that
23 anybody would reduce themselves to that, but clearly
24 somebody did.

25 Now, you guys -- it's your responsibility as

1 public officials who have to do things transparently
2 to correct that for the rest of everybody else so it's
3 not muddied and make it transparent again. And that's
4 what I think you need to do at this meeting. Okay.

5 This first page, I kept reading it
6 going (indicating).

7 SECRETARY STACY: Oh, wait. Are you --

8 MS. LAND: I'm on Page 7.

9 SECRETARY STACY: On 7?

10 MS. LAND: The rest of it is just drivel.
11 It's their opinions about what they think is zoning
12 and what is -- just, you know, no point in even
13 addressing that.

14 SECRETARY STACY: Okay.

15 MS. LAND: They're -- whoever wrote this is
16 trying to push their agenda for the lawsuit versus
17 zoning. The lawsuit has nothing to do with zoning.
18 The lawsuit has to do with a claim that there were
19 inappropriate meetings. So whatever this is is just a
20 mushily organized attack that's really not helping
21 themselves or really damaging you, other than causing
22 confusion for people.

23 And I think the goal all along for -- well,
24 what they say their goal is in the lawsuit is to make
25 sure there is no confusion and everything is clear,

1 and they're the ones tossing mud in the water. But
2 it's your job, no matter who's muddying the water, to
3 clear it up, and that's what we're going to be looking
4 at here.

5 SECRETARY STACY: Okay.

6 MS. LAND: You guys can discuss those early
7 pages in a little bit, if you want to. But --

8 CHAIRPERSON TIMMERMAN: Okay.

9 MS. LAND: -- I don't --

10 SECRETARY STACY: Okay.

11 MS. LAND: On Page 7, they go through, "If
12 this ordinance passes," and it has a whole list of
13 things that you can't do and it's about building a
14 shed.

15 SECRETARY STACY: Uh-huh.

16 MS. LAND: They're just flatly wrong. I
17 mean, we don't say "shed" in every district. We say
18 "accessory building."

19 Whoever wrote this can't equate "shed" with
20 "accessory building," so I don't know what they're
21 doing with their sheds, but they're usually accessory
22 buildings. So it's covered everywhere where there is
23 a possibility of having a shed.

24 So I'm not really sure. They keep saying
25 you cannot build a shed. It's not true. It's in

1 every one of them. Every section we have an accessory
2 building accessory thereto.

3 CHAIRPERSON TIMMERMAN: Right.

4 MS. LAND: It's covered.

5 Then they -- it's like trying to explain to
6 somebody how to make a peanut butter sandwich is what
7 they did here. It's, like, first you have to file the
8 application. Then you have to talk to the zoning
9 inspector to get -- okay. It's all one thing, but
10 they have it broken down into, you know, ten steps.

11 6, 7, and 8 are all exactly the same thing.
12 So they're just trying to make it ridiculously
13 clouded, like this is something going to be horrible
14 to do. It's not. It's very simple. You know --

15 MR. EVANS: Right.

16 SECRETARY STACY: Correct.

17 MS. LAND: -- you open a door. First, you
18 have to approach the door. Then you have to grasp the
19 handle, then you have to turn the handle, then you
20 have to push the handle, and then you have to open the
21 door. But, in reality, you have to open the door.

22 CHAIRPERSON TIMMERMAN: Right.

23 MS. LAND: That's what this is. It's --
24 so -- and I guess I'm being a little bit snarky
25 because I spent -- it takes a lot of our time to deal

1 with something that is ridiculous, but you have to
2 deal with it because leaving it out there is like
3 leaving a red herring out there for somebody to try to
4 understand when there was no purpose for it.

5 I don't know if you guys have any other
6 questions about that page, but it was just a
7 ridiculous exercise in trying to make it look like you
8 guys have made people's life crazy and complicated.
9 And, yeah, it doesn't.

10 SECRETARY STACY: Okay.

11 MS. LAND: Section 2 is the big one. Did we
12 decide that a building was 50 square feet or 150
13 square feet? Is that a typo?

14 CHAIRPERSON TIMMERMAN: No, it's 50.

15 MS. LAND: It's 50? Okay.

16 CHAIRPERSON TIMMERMAN: Yeah.

17 MS. LAND: I thought it was supposed to be
18 50 and that's what we had decided on. Yeah.

19 They are saying stuff like the ordinance is
20 mandatory when it says -- uses the word "shall."
21 That's standard, statutory construction. It's in the
22 Ohio Revised Code at the beginning of the --
23 explaining what the Ohio Revised Code is. It's in the
24 beginning of the federal laws. It's in the beginning
25 of the Constitution, and "shall" is a "you must."

1 We're just reiterating it. They're making it act
2 like, you know, you're putting some sort of big burden
3 on people.

4 So they're taking little things with this
5 and trying to inflame people. And I think maybe it's
6 important for you guys to know this and address it,
7 and you may want to address it at the hearing. So
8 I mean, I talk like crazy here, but at the hearing,
9 I -- I don't. It's you guys doing it. I can't --

10 SECRETARY STACY: Right.

11 CHAIRPERSON TIMMERMAN: Okay.

12 MS. LAND: -- answer a question, and I
13 can't -- I mean, I can answer a question for you, but
14 I can't answer a public question, you know --

15 CHAIRPERSON TIMMERMAN: Sure.

16 MS. LAND: -- if someone poses a question.
17 So a lot of this stuff is no big deal.

18 G. Read paragraph G, Section 1, paragraph
19 G. Tell me what you think this is saying because
20 I think it's missing a point somewhere.

21 SECRETARY STACY: G under 1?

22 MS. LAND: Yeah.

23 SECRETARY STACY: Okay.

24 MS. LAND: Maybe -- for you guys that don't
25 have it, it says, "This ordinance defines Solar Energy

1 System, but it only limits the use of a system below
2 50 kilowatts. It does not define or limit systems
3 that are larger than 50 kilowatts. An industrial
4 solar system that is greater than 50 kilowatts does
5 not meet either definition."

6 It's just not permitted. I mean --

7 CHAIRPERSON TIMMERMAN: Right.

8 MS. LAND: -- duh. I don't understand what
9 they're getting at with that. I just don't get it.
10 It makes no sense. But I think it's something you'll
11 need to address when you're talking about what the
12 limits are for wind and solar, what the limits are for
13 heights of buildings, what setbacks and frontage
14 limits are. Those are what you're putting on is what
15 is either the maximums or the minimums, depending on
16 what items you're doing, and that's your standard.

17 If it's possible to have, you know, an
18 800-foot setback, you're not saying you can't have
19 800 feet. You're saying you have to have at least
20 35 feet. You know, that's not the way this would ever
21 be interpreted --

22 CHAIRPERSON TIMMERMAN: Uh-huh.

23 MS. LAND: -- by anybody. It's not the way
24 to actually interpret any kind of statute, which this
25 will end up being legislation. So...

1 The next thing that I had a note beside that
2 kind of struck me as only a ploy for confusion is
3 the -- is 3 under that section.

4 It says, "The ordinance is drafted with
5 several conflicts. Accessory buildings are both
6 permitted and conditional uses in many districts."

7 Well, first of all, they're saying they're
8 not allowed anywhere to have a shed. That's an
9 accessory building. But they're pointing out that in
10 all these districts they're permitted and a
11 conditional use.

12 There are accessories that are Accessory
13 Uses to the Conditional Uses in the Conditional Use
14 section, and there are Accessory Uses that are
15 accessory to the uses in the Permitted Use Section.
16 There's nothing that confusing about it. I don't
17 quite understand the point.

18 CHAIRPERSON TIMMERMAN: It clearly says,
19 "The uses above."

20 MS. LAND: Exactly.

21 CHAIRPERSON TIMMERMAN: I forget the exact
22 word.

23 MS. LAND: It's at the bottom of the list,
24 and anything accessory to this.

25 CHAIRPERSON TIMMERMAN: Yeah.

1 MS. LAND: So I'm not getting too worried
2 about that -- that oddness there.

3 They're talking about the A-1 District next
4 about the things you can and can't have. There's
5 stuff that you guys discussed and you had good
6 legitimate reasons for why you made those choices.

7 One of the things, though, that I did find
8 when I popped back into the A-1 to look at this, that
9 there was an editing error in the Single-Family
10 Dwellings permitted in Agricultural. The
11 "...accessory to farming operations" was supposed to
12 be removed and it was not.

13 CHAIRPERSON TIMMERMAN: Right.

14 SECRETARY STACY: Right.

15 MS. LAND: So that is something that I think
16 you guys should change because --

17 SECRETARY STACY: Yeah.

18 MS. LAND: -- that makes it very -- I don't
19 want to say liberal, but generous because now you're
20 saying, with 2 acres in an Agricultural District, you
21 can build a house.

22 CHAIRPERSON TIMMERMAN: Right. That was the
23 intent from the start.

24 MS. LAND: That was the intent. That's what
25 you discussed --

1 SECRETARY STACY: Right.

2 MS. LAND: -- and this was a really
3 unfortunate goof.

4 CHAIRPERSON TIMMERMAN: Yeah.

5 MS. LAND: But it can be corrected at
6 your --

7 CHAIRPERSON TIMMERMAN: I had some people
8 reach out to me on that one.

9 MS. LAND: Yeah.

10 SECRETARY STACY: Right.

11 MS. LAND: So tell them it's one that you
12 guys fully intend to put on the correction sheet.

13 CHAIRPERSON TIMMERMAN: That's exactly what
14 I said.

15 MS. LAND: In R-1, it's more things that
16 they are talking about this is how it is. You know,
17 which are true, but they are things that you
18 discussed. There were legitimate reasons for them.
19 And if people bring those up and care, you know, or
20 have some concern about it, you can talk to them about
21 it and explain what your reasoning was. You know, why
22 you would -- a pool is a Conditional Use, because
23 there are certain regulations or rules that you want
24 around pools, for example, or home occupations.
25 Things like that. So...

1 CHAIRPERSON TIMMERMAN: It says multiple
2 times through here you can't do whatever thing without
3 permission. The idea of this whole thing from the
4 start is not to be restrictive of the residents.

5 MS. LAND: And it -- and you actually put
6 together a book that's very unrestrictive.

7 CHAIRPERSON TIMMERMAN: Right.

8 MS. LAND: It's very generous.

9 CHAIRPERSON TIMMERMAN: Rather than listing
10 every single use that is approved --

11 MS. LAND: Yes.

12 CHAIRPERSON TIMMERMAN: -- you list them as
13 Conditional Uses, and then --

14 MS. LAND: And I'm playing devil's
15 advocate --

16 CHAIRPERSON TIMMERMAN: I know.

17 MS. LAND: -- in looking at this. If you
18 had tried to do that, then this would say, They let
19 you do all these things, but you can't do this, and
20 they'd pick out something else.

21 CHAIRPERSON TIMMERMAN: Right. Exactly.

22 MS. LAND: So there's just no -- if somebody
23 wants to see something in the negative, which clearly
24 whoever write The eAllen does, then this is -- this is
25 what they're going to do; they're going to find

1 something negative.

2 You guys talked about this. You had
3 legitimate reasons for what you did. And when you
4 talked to the -- when you have your hearing, if the
5 issues come up, I think you can very clearly answer
6 the questions and feel comfortable that you are --
7 you're giving transparent answers to how it is
8 actually going to work.

9 It says you can't build any accessory
10 building without permission.

11 CHAIRPERSON TIMMERMAN: Yeah.

12 MS. LAND: Which isn't true.

13 CHAIRPERSON TIMMERMAN: I found No. 6 really
14 funny because they point out a typo that R-2 is left
15 in there.

16 MS. LAND: Yeah.

17 CHAIRPERSON TIMMERMAN: But, then, they had
18 a typo in the exact same one. Because on line 410, it
19 doesn't mention R-2 at all.

20 MS. LAND: I know.

21 CHAIRPERSON TIMMERMAN: So...

22 MS. LAND: It's, like, double standard
23 anyone?

24 CHAIRPERSON TIMMERMAN: Yeah.

25 MS. LAND: Yeah. I put a question mark

1 there. And I did mark on my paper, "Thank you for the
2 edit correction." I get that. Okay. So --

3 CHAIRPERSON TIMMERMAN: Yeah.

4 MS. LAND: -- actually page 20 -- on your
5 list that I gave you, the one that says, Page 29,
6 Section 401, paragraph B.

7 SECRETARY STACY: Uh-huh.

8 MS. LAND: -- that will correct this that
9 they brought up there, that -- where the R-2 stuff is
10 in there.

11 SECRETARY STACY: Uh-huh.

12 MS. LAND: We can take that out completely.

13 There's something down here a little farther
14 with this one, though, that I think needs to be
15 addressed. They talk about 100 feet or greater
16 frontage is what we have. They say "setback."

17 CHAIRPERSON TIMMERMAN: Yeah.

18 MS. LAND: Setbacks and frontages are two
19 very different things. It's just the way it is. And
20 if there -- that's where I got that snarky remark
21 about 4th grade reading level because, clearly, they
22 don't have the vocabulary if they actually think
23 they're synonymous. But it is causing some difficulty
24 because it's making people think that they have to
25 have 100 feet of setback which this is absolutely not

1 true.

2 I'm trying to -- I think I'm being gracious
3 in saying it's because they don't understand the
4 difference between frontage and setback as opposed to
5 saying they lied about something that could cause a
6 lot of trouble.

7 SECRETARY STACY: Right.

8 MS. LAND: So just trying to be nice.

9 How am I doing? Sorry.

10 Can you tell I have, like, one nerve left
11 and people have been slapping it all day?

12 Again, under the RM-1, they say, may not or
13 "Cannot have any accessory buildings without
14 permission." Well, that might be true.

15 CHAIRPERSON TIMMERMAN: I don't know that it
16 was listed in RM-1.

17 MS. LAND: You know, once you get into
18 RM-1, you're talking about a different kind of animal
19 there.

20 SECRETARY STACY: Right.

21 MS. LAND: That's something that needs a
22 little bit more --

23 SECRETARY STACY: Right.

24 MS. LAND: -- control. I mean --

25 CHAIRPERSON TIMMERMAN: Actually, I think it

1 is there.

2 MS. LAND: I think they're wrong.

3 CHAIRPERSON TIMMERMAN: They were wrong.

4 SECRETARY STACY: Multiple-Family.

5 MS. LAND: They're wrong. RM-1 is on what
6 page?

7 CHAIRPERSON TIMMERMAN: 32.

8 SECRETARY STACY: 32.

9 CHAIRPERSON TIMMERMAN: Well, it starts on
10 32.

11 MS. LAND: In their drivell. On ours, it's
12 in 15.

13 SECRETARY STACY: Oh, 15.

14 MS. LAND: On Page 15, and under Permitted
15 Uses, it's, "Accessory buildings and uses customarily
16 incident thereto." So again, they just missed it. It
17 is permitted. That's not true.

18 It is also under the accessory -- or
19 Conditional Uses. But, like we had just discussed
20 before, the accessory uses are buildings and uses to
21 the Conditional Uses or the Accessory Uses to the
22 Permitted Uses.

23 Anything else you guys want to talk about on
24 that one?

25 CHAIRPERSON TIMMERMAN: Good on that one.

1 MS. LAND: Okay. Now, move down to the
2 B-1 Business. You know, the reason the term of
3 facility, I'm not going to get too worried about that.
4 I wouldn't mess with it. They are trying to muddy it
5 up, but we have in there that there are things that
6 are trying to make it clear that a B-1 District are
7 the neighborhood businesses, the walking businesses,
8 and stuff you walk to from home.

9 SECRETARY STACY: Right.

10 MS. LAND: And I'm just not going to go
11 through much of that. Then the other stuff, like
12 drive-thrus are permitted -- or not permitted. Those
13 are things that you discussed. They are the things
14 that make that -- would make that district not
15 acceptable as that district to allow those kind of
16 businesses in.

17 I think the other part that you guys are
18 going to have to point out to people, if anybody
19 brings this up, is that where you identified business
20 uses, for the most part, you have B-3 areas --

21 CHAIRPERSON TIMMERMAN: Uh-huh.

22 MS. LAND: -- which allow all of these
23 things.

24 SECRETARY STACY: Uh-huh.

25 CHAIRPERSON TIMMERMAN: Right.

1 MS. LAND: The restrictive area where you
2 can only have these smaller kind of businesses is a
3 relatively limited area --

4 SECRETARY STACY: It's very small.

5 MS. LAND: -- where those kind of businesses
6 already exist.

7 CHAIRPERSON TIMMERMAN: Right.

8 MS. LAND: I -- I don't -- I think they are
9 trying to make, again, a case saying that you're doing
10 something that's going to limit the people to be able
11 to do what they want to do, when, in reality, that's
12 not the case when you look at the real picture.
13 Anything in a vacuum can look bad, because if you take
14 it out of context, put it in a vacuum, and it just
15 seems very, very different. You look at this big
16 picture as a whole, step back and go, Oh, wow. Yeah,
17 there are all those business areas.

18 So just be ready to --

19 CHAIRPERSON TIMMERMAN: Yeah.

20 MS. LAND: -- you know, to defend what
21 you've done, but don't be defensive about what you did
22 because the way you put this book together was
23 well-thought out and solidly put together. Don't let
24 anybody tell you it's not.

25 Another -- in E in Section 8, subsection E,

1 it says, "The uses in all A and R Districts are not
2 incorporated into this section so they are not
3 permitted in this district." That's not true. The
4 Rs, no, you can't have people building houses where
5 you have businesses districts.

6 But agriculture, 519.21 of the Revised Code,
7 we talked about this a lot during the time that you
8 guys were doing this, is permitted everywhere.

9 CHAIRPERSON TIMMERMAN: Right.

10 MS. LAND: You can't tell them they can't
11 farm just because it's got Expressway Service or
12 because it's Business or it's Industrial.

13 SECRETARY STACY: Right. Right.

14 MS. LAND: It's still Agricultural Use can
15 be there.

16 SECRETARY STACY: Right.

17 CHAIRPERSON TIMMERMAN: Right.

18 MS. LAND: And they do this a lot through
19 here. You're not allowed do that there; that's not
20 true.

21 SECRETARY STACY: Right.

22 MS. LAND: It's just plain not supported by
23 statute.

24 The next one, the B-2 District, again, they
25 are challenging the word "facility" and the

1 10,000-foot deal, square feet. You know, you had
2 reasons for that --

3 SECRETARY STACY: Uh-huh.

4 MS. LAND: -- in what you discussed.

5 SECRETARY STACY: Uh-huh.

6 MS. LAND: And yeah, they say, "Example:
7 Jeffrey's is a certain size." Well, that's fine, but
8 it's a legal use. It exists now.

9 CHAIRPERSON TIMMERMAN: Right.

10 MS. LAND: It's a legal nonconforming use.
11 There's nothing wrong with it being there.

12 I read this, the way they put it, as an
13 inference that they can't be there anymore because
14 it's not allowed.

15 CHAIRPERSON TIMMERMAN: Right.

16 MS. LAND: And that's absolutely not true.

17 Some of it is inferences that aren't true.
18 Others are flatout statements that aren't true. But
19 this -- it's the innuendo. And innuendo is so hard to
20 be able to defend against, especially when, like, in
21 this case, we don't even have somebody we can ask or
22 somebody to explain this, What do you mean? Because
23 they were too cowardly to put their name on it.

24 B-3. I have no idea what that's all about.

25 It's just a mish-mash, trying to confuse a lot of

1 stuff.

2 CHAIRPERSON TIMMERMAN: That's exactly what
3 I had down. Trying to add confusion.

4 MS. LAND: Yeah.

5 SECRETARY STACY: So we're criticized for
6 having size limitations, and now we're getting
7 criticized for not having --

8 MS. LAND: Yeah.

9 SECRETARY STACY: -- size limitations.

10 MS. LAND: Yep.

11 SECRETARY STACY: Damned if you do; damned
12 if you don't.

13 MS. LAND: That's what I was kind of
14 thinking.

15 CHAIRPERSON TIMMERMAN: They're trying to
16 imply that the B-1 and B-2 sizes will be enforced in
17 the B-3 District. That's not --

18 MS. LAND: But they will not.

19 CHAIRPERSON TIMMERMAN: No.

20 MS. LAND: B-3 has its rules.

21 CHAIRPERSON TIMMERMAN: What is the district
22 that you're in? What are the rules?

23 MS. LAND: Rules. Right.

24 CHAIRPERSON TIMMERMAN: So --

25 MS. LAND: If you're allowed to do it in

1 B-1, you can do it in B-3, just bigger.

2 CHAIRPERSON TIMMERMAN: Right.

3 SECRETARY STACY: Yeah.

4 MS. LAND: The Expressway Service stuff,
5 yeah. I mean, everything that would be in an
6 Expressway Service would always fall under a
7 Conditional Use because there are going to have to be
8 site plans and --

9 CHAIRPERSON TIMMERMAN: Right.

10 MS. LAND: -- curb cuts, and things that are
11 a lot of levels of bureaucracy beyond just zoning, so
12 I don't really understand that. My response to that
13 was, Yeah. Whatever.

14 Here is -- again, with the -- under 12, the
15 I-1 Light Industrial. It says, You may not do any of
16 the things permitted in A, R of B... -- Oh, look at
17 that; a typo -- "...Districts, because they're not
18 incorporated. Again, that's not true. Ag is
19 permitted everywhere.

20 Now, the Residential and the Business, you
21 don't want to take an industrial area and drop those
22 in there. So whatever.

23 And I-2, same thing. It's the same
24 response.

25 Conditional Uses. Yes, you have to apply

1 for a Conditional Use. We've discussed pretty
2 extensively that the purpose of a Conditional Use is
3 something that you see as being permitted in the area,
4 but you may need to have regulation over and above the
5 plain old regular setbacks. That's what a Conditional
6 Use is. So they have to come in and explain why,
7 Yeah, we fit, and we're not going to damage everybody
8 around us.

9 You've got to look at zoning from two sides
10 to zoning. This is very one-sided. It's my property.
11 I can do what I want. To hell with my neighbors.
12 Zoning also is we aren't going to let anybody who
13 would be willing to say, "To hell with my neighbors"
14 and do what they want. That's part of what it's
15 about.

16 If people are willing to actually be good
17 neighbors, zoning doesn't really bother anything. And
18 there are so many zoned areas where people are very,
19 like, "Zoned? So what? I know my neighbor can't do
20 that to me." They are missing that point.

21 SECRETARY STACY: Right. Right.

22 MS. LAND: So I don't get what the problem
23 is with the table. Anybody else have any idea?

24 CHAIRPERSON TIMMERMAN: I think he was
25 trying to scare people into, Oh, you can't do this, or

1 you can only be this tall or whatever.

2 MS. PARGEON: Yeah.

3 MS. LAND: Well, the heights you guys picked
4 are massively tall for houses.

5 CHAIRPERSON TIMMERMAN: Right.

6 MS. LAND: There are going to be some pretty
7 tall houses to be topping out on that where you guys
8 put your height limits. And the size limits are
9 actually pretty minimal. It's mostly lot coverage
10 that are issues, but even that are relatively minimal.
11 So I'm not really sure what the scare tactic was
12 there.

13 CHAIRPERSON TIMMERMAN: I think the next
14 thing is, at the very end, it says, "And if your
15 current structure complies," implying that you have to
16 tear it down or something?

17 MS. LAND: Oh, that innuendo thing, which is
18 not true. So whatever.

19 CHAIRPERSON TIMMERMAN: Right. No. If it's
20 there lawfully when zoning is passed, then it's there
21 lawfully.

22 MS. LAND: Right. Yeah. This next
23 paragraph 16, this is the one I was talking about. If
24 you have a 100-foot setback for an R-1 or R-2
25 District, if your building is already built and

1 nonconforming. What? That makes no sense whatsoever.
2 I mean, what? Are they going to make you move your --
3 are they implying you have to move your building back
4 to a 100-foot setback? Yeah. First of all, it's
5 frontage. It's not -- it's not --

6 CHAIRPERSON TIMMERMAN: Yeah.

7 MS. LAND: It's not setback. It's frontage.
8 Different things.

9 CHAIRPERSON TIMMERMAN: More confusion.

10 MS. LAND: Yeah. The 250-foot thing, that
11 was that goof. I fixed that. It's on here. I am
12 suggesting on that list I gave you, Page 29, Section
13 1401, paragraph C, to take out the 250 and change it
14 to 200.

15 CHAIRPERSON TIMMERMAN: That's what we've
16 had all the way through.

17 MS. LAND: Yeah. And that was just a typo
18 on my part. I missed it.

19 They're implying that you're putting some
20 sort of real restriction on people by this. The
21 health department will not give a permit for any type
22 of septic system on a lot of less than 2 acres.

23 SECRETARY STACY: Right.

24 MS. LAND: They may even have problems
25 getting from -- you know, even though we would say you

1 can build on a nonconforming lot that was less than
2 2 acres because it already existed, the health
3 department may come in and say you can't build on
4 there. I can't give you a septic system. That's not
5 anything to do with us.

6 SECRETARY STACY: No.

7 MS. LAND: If they can get water and sewer
8 to it in some way or they can attach to water and
9 sewer, then we would let them have that smaller lot,
10 even though it's not the 2 acres that we're saying.
11 So we're not -- you're being very liberal about that.

12 SECRETARY STACY: Generous.

13 MS. LAND: You can't change the rules of
14 some other type of bureaucracy like the Board of
15 Health.

16 SECRETARY STACY: Correct.

17 MS. LAND: And they have very good reasons
18 for needing 2 acres to be able to it have. Some of
19 the new septic systems, 2 acres is almost not enough.
20 You know, they're huge mountain -- mound things that
21 go on top of the ground, especially out here where
22 you're all clay.

23 SECRETARY STACY: Yeah.

24 MS. LAND: When you put yours in did you get
25 a leach field or did they --

1 CHAIRPERSON TIMMERMAN: Yeah, a leach field.

2 MS. LAND: Good.

3 CHAIRPERSON TIMMERMAN: Sure. I don't know
4 what the other options are. That's what they --
5 "Here's what you're going to do." "Okay. Let's do
6 it."

7 MS. LAND: The mound systems cost, like,
8 \$35,000 to put in, and they are above ground. They
9 are -- they, like, have the tiling through it and
10 everything goes through there and comes out into
11 the --

12 MS. PARGEON: Go back to the old way, right?
13 A tank in the leach field.

14 MS. LAND: I've learned more about septic
15 systems over the years than I ever wanted to know.
16 And my college roommate was a civil engineer. I
17 learned a lot about them there, too.

18 They criticize my basic proofreading. Okay.
19 I'm chastised. But they've got a few typos and
20 weirdness, too. So be it.

21 Section 20 I didn't really get into. I
22 didn't get much past where I just stopped talking.

23 CHAIRPERSON TIMMERMAN: Okay.

24 MS. LAND: So if you guys want to discuss
25 those things.

1 I did pull some Revised Code issues, in case
2 you guys want to have those to look at before your
3 hearing. One of them is the power's not confirmed by
4 the chapter. It very clearly imparts you can't stop
5 agricultural anywhere except in platted subdivisions
6 with less than 1 acre lots and all that stuff because,
7 you know, it is what it is.

8 And this is the section about nonconforming
9 buildings and lots. The best way to be able to figure
10 out -- you guys can keep both of those.

11 SECRETARY STACY: Is this -- is it -- okay.
12 They're two different things?

13 MS. LAND: Yeah, they're two different
14 things.

15 SECRETARY STACY: So this is for us as a
16 group?

17 MS. LAND: To look at and see.

18 SECRETARY STACY: Okay.

19 MS. LAND: The nonconforming one is actually
20 quite good. There are -- it's 21 pages long. The
21 statute itself is one paragraph. The rest of it are
22 code sections and A.G. opinions that have defined
23 things and answered the questions that people keep
24 having about, Is this a nonconforming use? Could this
25 work? Nonconforming use; could that work?

1 The other thing that we need to discuss with
2 nonconforming use is not in here, in the stuff that
3 we're dealing with with the mailing, but it has to do
4 with the -- if you want to continue to have the way
5 it's written with no ability to change or if you want
6 to have expansion abilities.

7 CHAIRPERSON TIMMERMAN: Well, I voiced in
8 the past that I think that the expansion ability is
9 something definitely to consider. It will affect a
10 number of people.

11 MS. LAND: Uh-huh.

12 CHAIRPERSON TIMMERMAN: Yeah. The idea was
13 to protect the people as well. So...

14 MS. LAND: Well, one of the things that they
15 did bring up in here is the 75 percent issue. You can
16 change that to 100 percent, if you want to and, then,
17 there is no concern that, if somebody's house burns
18 down or is destroyed, you don't have to worry about
19 the auditor's valuation saying, you know, what the
20 percentage is. Doesn't matter if it's 10 percent or
21 100 percent, you still would permit them to put their
22 house back.

23 If that appears to be something that you're
24 hearing feedback from people that it's a concern, it's
25 something that you could add into the list of

1 alterations that you want to make at your hearing.

2 When you discussed it, you had a lot of
3 debate on it --

4 SECRETARY STACY: We did.

5 MS. LAND: -- actually, if I recall. And
6 you came down to a way. But since then, you've heard
7 from a lot of people that maybe that's not the way
8 they would like to see. Well, that's the whole point
9 of having a hearing and having it available for people
10 to look at before the hearing to give you input on
11 things so they -- and that's something that I've heard
12 from several of you and from one trustee that they've
13 had people talking to them that, you know, that's an
14 issue that they're concerned about. So I think it was
15 also an issue that the gentleman that was at one of
16 the meetings talked -- brought up, too.

17 CHAIRPERSON TIMMERMAN: So that would be --
18 if we put 100 percent there, if the house completely
19 burned down or a tornado or whatever.

20 MS. LAND: Destroyed.

21 CHAIRPERSON TIMMERMAN: Would they be
22 allowed to rebuild it at that point or they're not
23 allowed to?

24 MS. LAND: They would be allowed to rebuild
25 it. And the only thing that they couldn't do is --

1 and this is something -- I guess they could. It would
2 depend on what you guys write. The way you have it
3 written now, they would be able to put it back, but
4 they wouldn't be able to increase its nonconformity.
5 They couldn't make it bigger in a way that made it
6 encroach more on -- say it's too close to a lot line.
7 You know, they'd have to do whatever expansion in a
8 way that didn't encroach more on the lot line.

9 Or you can take that part out, too, if you
10 want. It's up to you guys. But if we change the
11 75 to 100, the situation would be, I have a house
12 that's nonconforming, you know, if it comes along and
13 a tornado takes off just the roof, I can put it back.

14 CHAIRPERSON TIMMERMAN: Uh-huh.

15 MS. LAND: If it comes down and takes it off
16 the foundation completely and it's just gone, I can
17 put it back if you change it to 100 percent.

18 If you leave it at 75, you're giving
19 yourself a little bit more of an administrative issue
20 because you're going to have to have that
21 determination of what's 75 percent. And I think that
22 could -- I think you've raised that issue, one of you
23 guys did, that it could raise a debate if you're at
24 75 or not.

25 CHAIRPERSON TIMMERMAN: Sure.

1 SECRETARY STACY: Do we know what page --
2 does anyone have that flagged?

3 CHAIRPERSON TIMMERMAN: I'm looking at
4 Page 34 of our book.

5 SECRETARY STACY: Okay. Yeah.

6 MS. LAND: So we can change that to say --
7 it would be paragraph 2, subsection C, Section 1502.

8 So it would be changed to read, "Should such
9 structure be destroyed by any means to any extent, up
10 to and including 100 percent of its market value
11 appraisal by the Hancock County Auditor, exclusive of
12 the foundation, it shall be reconstructed only in
13 conformance with the provisions of this Resolution."

14 That's backwards. Wait a minute. Let me
15 reread that.

16 We're talking about structures, right?

17 SECRETARY STACY: Uh-huh.

18 CHAIRPERSON TIMMERMAN: Yes.

19 SECRETARY STACY: Nonconforming structures.

20 Maybe I'm reading this wrong. You need to
21 go -- if we want to change it, do we want to go the
22 other way? Because I'm -- if it's --

23 MS. LAND: If we go to 100 percent, it will
24 be they could -- any damage would make it so they
25 can't rebuild, so I'm changing this.

1 SECRETARY STACY: So it seems to me --
2 structures will be destroyed -- at least to an extent
3 of more than 75 percent. So that means 75 percent of
4 it would have to be destroyed in order for it to be --

5 MS. LAND: The way it's written now, if it's
6 destroyed 75 percent, they can't put anything back.
7 It's done. We want to say that it doesn't matter even
8 if it's destroyed completely, you can still put it
9 back as long as you don't increase the nonconformity.
10 Is that what you're thinking?

11 CHAIRPERSON TIMMERMAN: I would think that's
12 the direction people are looking at.

13 MR. EVANS: So if you said, Should such
14 structure be damaged and, then, just leave out a whole
15 bunch, and, then say, It shall be reconstructed only
16 in conformity with the provisions of the Resolution?

17 MS. LAND: No because we want to take out
18 the only unconformity part. Should such structure be
19 damaged in any manner, way, amount. What do you want
20 to say?

21 CHAIRPERSON TIMMERMAN: I'd say "manner."
22 That's fine.

23 MS. LAND: Up to a 100 percent destruction,
24 exclusive of the foundation, it may be reconstructed
25 so long as the reconstruction does not increase --

1 SECRETARY STACY: Yeah.

2 MS. LAND: -- it's nonconformity. Does that
3 make sense?

4 CHAIRPERSON TIMMERMAN: I think this goes --
5 I think that makes sense. But I think it also goes
6 back to nonconforming growth. What if your house is
7 damaged and you wanted to go bigger? Are they allowed
8 to go bigger?

9 MS. LAND: Well, B, above, says, Any
10 structure may not be enlarged greater than 50 percent
11 increase in the structure size, but may not expand
12 beyond the parcel upon which it is located, and may
13 not increase the structure's nonconformity. So they
14 get a 50 percent increase already of the structure.

15 SECRETARY STACY: Well, and it shouldn't be
16 expanded beyond the parcel. I mean, it --

17 CHAIRPERSON TIMMERMAN: Right.

18 MS. PARGEON: Yeah.

19 SECRETARY STACY: -- should stay on the
20 parcel.

21 MS. LAND: Yeah. But if somebody wants to
22 expand, they could buy more property and make a
23 bigger -- but that -- if you say only on the parcel,
24 that limits that a little bit. But...

25 CHAIRPERSON TIMMERMAN: So "may not increase

1 the structure's nonconformity." If it was a
2 1,000-square-foot house that was nonconforming, and
3 you went to 1,500 square foot, does that increase its
4 nonconformity? It's bigger.

5 MS. LAND: No because they're allowed
6 50 percent increase.

7 CHAIRPERSON TIMMERMAN: Okay. What if we go
8 to --

9 MS. LAND: But the -- not increasing the
10 nonconformity would be if they do a 50 percent
11 increase and the -- it's nonconforming because it
12 rides right along the property line, doesn't have an
13 appropriate setback, the new part has to be set back
14 the appropriate amount.

15 SECRETARY STACY: Yeah.

16 MS. LAND: So they might have to build off
17 this side or do a jog.

18 CHAIRPERSON TIMMERMAN: So if they
19 couldn't -- they couldn't go above the height limit.
20 They can't go into the setback. They can't --

21 MS. LAND: Correct.

22 CHAIRPERSON TIMMERMAN: That would be
23 increasing the nonconformity?

24 MS. LAND: Correct. Yeah. So if they have
25 a house that's a story too tall, the amount that they

1 add on can't have the extra story. It would have to
2 be --

3 CHAIRPERSON TIMMERMAN: Could they build the
4 original part back to the original height?

5 MS. LAND: Yes.

6 CHAIRPERSON TIMMERMAN: Okay.

7 MS. LAND: Because we're saying, if it's
8 damaged up to 100 percent, it can be -- so long as the
9 reconstruction does not increase its nonconformity.
10 We have to rethink that phrase then.

11 SECRETARY STACY: Because there's different
12 ways it can be nonconforming.

13 MS. LAND: Right.

14 SECRETARY STACY: That's what you need to
15 think of.

16 MS. LAND: Right. So if it's nonconforming
17 because it's -- well, if it's nonconforming because
18 it's 10 feet taller than it should be, they can put it
19 back 10 feet taller than it should be, just not
20 15 feet taller than it should be.

21 CHAIRPERSON TIMMERMAN: Right.

22 MS. LAND: That would increase its
23 nonconformity. They can put it back just like it was,
24 as long as what they put back does not increase the
25 nonconformity. Does that -- are we following that?

1 Getting muddy?

2 SECRETARY STACY: I think.

3 MS. LAND: I hate muddy.

4 SECRETARY STACY: Yeah.

5 CHAIRPERSON TIMMERMAN: I'm with you. I
6 think if they go taller, that increases the
7 nonconformity.

8 MS. LAND: Taller than what they had before.

9 CHAIRPERSON TIMMERMAN: Right.

10 MS. LAND: It's the snapshot of the
11 100 percent of something that got destroyed, they can
12 put it back just like it was, even if it was
13 nonconforming.

14 MS. PARGEON: Right.

15 CHAIRPERSON TIMMERMAN: And if they put an
16 addition on and they went to that same height that was
17 too tall, that would be increasing --

18 MS. LAND: Increasing their nonconformity.

19 CHAIRPERSON TIMMERMAN: -- the
20 nonconformity. More of it would be in the
21 nonconforming.

22 MS. LAND: Right. But if they put an
23 increase in of 50 percent that doesn't go too tall,
24 they're good.

25 CHAIRPERSON TIMMERMAN: Right.

1 SECRETARY STACY: Right.

2 MS. PARGEON: That makes sense.

3 SECRETARY STACY: It makes sense that your
4 setbacks still come into play. You really should not
5 be building on a property line or an easement.

6 MS. LAND: Right. One of the purposes of
7 zoning is to protect the health, safety, and welfare
8 of the area.

9 MS. PARGEON: Uh-huh.

10 MS. LAND: And part of the health, safety,
11 and welfare is making sure you're not encroaching on
12 your neighbor's property. That's what setbacks are
13 for. So if there's a fire, you're not likely to burn
14 down your neighbor's house, too.

15 If there's need to have access to the back
16 part of properties, there's room between properties to
17 get there. There's a -- you're not blocking their
18 light so their -- you have a normal size house and two
19 monsters on either side that are right on the line,
20 you backyard is never going to get sun. I mean --

21 CHAIRPERSON TIMMERMAN: Right.

22 MS. LAND: -- that's the kind of thing that
23 setbacks are for.

24 So what do we think about the -- let me
25 reread it. Tell me what you guys think.

1 "Should such structure be damaged in any
2 manner up to a 100 percent destruction, exclusive of
3 the foundation, it may be reconstructed so long as the
4 reconstruction does not increase its nonconformity."

5 CHAIRPERSON TIMMERMAN: I think so. At that
6 point, let's say it's a house in a Business District.
7 They would be following the setbacks of the Business
8 District, the height of the Business District. It's
9 not the -- it's not a Residential District so you
10 wouldn't be --

11 MS. LAND: Right. They'd have to follow the
12 rules of the district that they're in.

13 CHAIRPERSON TIMMERMAN: Let me ask you this:
14 This is one that ran through my head.

15 Let's pretend -- now I've got to look at the
16 Schedule of Regulations. Let's pretend somebody has a
17 house in an I-1, I-2, ES District, and let's pretend
18 it gets damaged. Are they now allowed to build their
19 house up to 60 feet tall? That's the height limit of
20 that district.

21 MS. LAND: No because it's a nonconforming
22 building and they would be increasing its
23 nonconformity by making it -- well, I guess they could
24 make it 50 percent taller. Yeah.

25 CHAIRPERSON TIMMERMAN: Okay.

1 MS. LAND: You don't often see people adding
2 stories to their house.

3 CHAIRPERSON TIMMERMAN: More stories.

4 MS. LAND: People have additions a lot, but
5 most of them aren't a story on top. I guess it
6 happens. I've not seen that many of them.

7 CHAIRPERSON TIMMERMAN: Yeah.

8 SECRETARY STACY: Does it make a difference,
9 like, when you talk about nonconformity, that seems to
10 be, like, in the negative. Does it make sense to talk
11 about reconstructed only in conformity? Do we -- do
12 you understand? Like, not -- do we want to talk about
13 nonconformity, or do we want to talk about maintaining
14 conformity? Or maybe I'm -- I don't want --

15 MS. LAND: I don't want to revamp too much
16 of that stuff.

17 SECRETARY STACY: Okay. Okay.

18 MS. LAND: Because then we're -- I think it
19 will get too confusing.

20 SECRETARY STACY: Okay. Because what's in
21 our book now says reconstructed only in conformity.

22 MS. LAND: Where?

23 CHAIRPERSON TIMMERMAN: In C.

24 SECRETARY STACY: On C.

25 MS. LAND: That's changing.

1 SECRETARY STACY: Okay.

2 MS. LAND: That's coming out.

3 SECRETARY STACY: Okay.

4 CHAIRPERSON TIMMERMAN: In A and B, it says
5 "nonconformity," so I feel like that probably follows
6 the standard.

7 SECRETARY STACY: To keep it consistent,
8 we're talking about nonconformity in each bullet or
9 each subsection.

10 MS. PARGEON: You're keeping A and B and
11 getting rid of C?

12 SECRETARY STACY: She's rewriting.

13 MS. PARGEON: Modifying. Okay. Revamping
14 it.

15 SECRETARY STACY: She's adding
16 clarification.

17 MS. PARGEON: Uh-huh.

18 MS. LAND: You're actually giving a lot more
19 latitude and being more generous with the
20 nonconforming uses and what can happen with them. It
21 should give anyone with a nonconforming building a lot
22 more comfort that they've still got some control over
23 what could happen to their building.

24 SECRETARY STACY: And actually that has been
25 our stance from the very beginning, to be less

1 restrictive in our approach; so I feel that that meets
2 that.

3 MS. PARGEON: So leave it as C.

4 CHAIRPERSON TIMMERMAN: Modified C.

5 SECRETARY STACY: Yeah.

6 CHAIRPERSON TIMMERMAN: At one point, this
7 said something that you wouldn't be able to expand.
8 Does that kind of go along with this?

9 MS. LAND: When you get to nonconforming use
10 of structure on or structure and land, there is an
11 increase section. This would be subsection B --
12 paragraph 3, subsection E. Okay.

13 Any nonconforming use may be extended
14 throughout any parts of a building which were
15 manifestly arranged or designed for such use and which
16 existed at the time of the adoption or amendment of
17 the Resolution, but no such use shall be extended to
18 occupy land outside of such building. So they are
19 allowing them to -- this would allow expansion into
20 the building that they have as much as they need, just
21 not spilling out of the building.

22 CHAIRPERSON TIMMERMAN: I guess my question
23 is: How is that B different than the B from
24 Section 2?

25 MS. LAND: Because B from Section 2 has a

1 limit of 50 percent because it's a building that could
2 itself be expanded. This is expansion of uses inside
3 the building.

4 CHAIRPERSON TIMMERMAN: Why is the -- in
5 Section 2, why is it allowed to expand the building,
6 but in Section 3 it's not allowed to expand the
7 building? Am I reading that correctly?

8 MS. LAND: Yep.

9 SECRETARY STACY: The land is thrown into
10 that 3 portion. So is that the difference?

11 MS. PARGEON: It says at the end of B, on
12 Page 35, "But no such use shall be extended to occupy
13 any land outside such building."

14 CHAIRPERSON TIMMERMAN: I know we were kind
15 of up in the air on how much growth we were looking
16 at.

17 MS. LAND: Uh-huh.

18 CHAIRPERSON TIMMERMAN: And a lot of that
19 was, I guess, like, a fear. You know, the residents
20 have voiced their concern with the wind turbines being
21 so close and so big. A lot -- there was fear that
22 they could grow, increase by 50 percent in height.
23 That would be an increase of nonconformity, right, if
24 they would grow in height?

25 MS. LAND: Uh-huh.

1 CHAIRPERSON TIMMERMAN: So that was -- but
2 that thought process is why we kind of locked down how
3 much growth could happen and you think in Section 3 --

4 MS. LAND: Yeah.

5 CHAIRPERSON TIMMERMAN: -- we kind of locked
6 down how much growth could happen. But my point is,
7 in Section 2, it looks like we didn't lock it down.

8 MS. LAND: No. If you lock it down because
9 of one -- fear of what one might do, you're going to
10 limit everybody.

11 CHAIRPERSON TIMMERMAN: I know.

12 MS. LAND: And since the concern was that
13 you don't really want to limit, you know, the houses
14 and, you know, the businesses that are in a
15 nonconforming use, that's why we have the expansion.

16 MS. PARGEON: Uh-huh.

17 MS. LAND: I mean --

18 CHAIRPERSON TIMMERMAN: But if they have to
19 follow -- if you can't increase by -- if you can't
20 increase your nonconformity, a 400-foot-tall wind
21 turbine is already nonconforming, right?

22 MS. LAND: Right.

23 CHAIRPERSON TIMMERMAN: Because it's already
24 taller than what we've permitted.

25 MS. LAND: Right.

1 CHAIRPERSON TIMMERMAN: So they wouldn't be
2 able to go bigger or put more up bigger or anything
3 like that? That would be a limit?

4 MS. LAND: Let me think this through.
5 You're saying, since it's -- is it a
6 conforming use and it's a nonconforming size?

7 CHAIRPERSON TIMMERMAN: Well, it's
8 a nonconform -- well --

9 MS. LAND: Wind and Solar is permitted in
10 I-2.

11 CHAIRPERSON TIMMERMAN: Well, I-2 for
12 non-accessory use.

13 SECRETARY STACY: Right.

14 CHAIRPERSON TIMMERMAN: For accessory use,
15 it's permitted --

16 MS. LAND: Pretty much everywhere.

17 CHAIRPERSON TIMMERMAN: -- I think
18 everywhere. So pretty much all of them right now
19 would fall under the -- because I don't know of any
20 wind turbines out by the landfill area, so everything
21 would fall into wherever they're located, they would
22 be an accessory use.

23 MS. LAND: No, they aren't because they are
24 actually non-accessory because they aren't on the
25 property that they are serving, and they aren't --

1 CHAIRPERSON TIMMERMAN: I'm saying the
2 districts that they're in, they would have to be --

3 MS. LAND: They would have to be accessory
4 to be conforming.

5 CHAIRPERSON TIMMERMAN: -- accessory. So
6 everything is nonconforming.

7 MS. LAND: Correct.

8 CHAIRPERSON TIMMERMAN: So, at that point,
9 because it's nonconforming, it would not be allowed to
10 grow in height?

11 MS. LAND: Right.

12 CHAIRPERSON TIMMERMAN: If they got damaged,
13 you wouldn't be able to put up a taller one?

14 MS. LAND: No because you would put up what
15 they had.

16 CHAIRPERSON TIMMERMAN: It was
17 nonconforming.

18 MS. LAND: Correct. It wouldn't be taking
19 away what's there, what they have there.

20 CHAIRPERSON TIMMERMAN: Right.

21 MS. LAND: Or whatever structure exists at
22 the time that zoning goes into effect. But it would
23 fall under the same nonconforming increases that you
24 have for any other nonconforming use.

25 CHAIRPERSON TIMMERMAN: So I think -- I

1 don't think we need to be as locked down as we
2 initially thought where we said no growth, as long as
3 we have where it cannot increase the nonconformity --

4 MS. LAND: Yeah.

5 CHAIRPERSON TIMMERMAN: -- that covers it.
6 And, then, that goes back to -- I think it was Dave;
7 you said you have a neighbor with a body shop. That
8 was the example we kept using that night. He would
9 then be able to grow his business by 50 percent in
10 size.

11 MS. LAND: Yes. The building could increase
12 by 50 percent.

13 CHAIRPERSON TIMMERMAN: Right.

14 MR. EVANS: I think everything has to follow
15 setbacks.

16 CHAIRPERSON TIMMERMAN: For sure. That
17 would be the conformity portion of it.

18 SECRETARY STACY: Yeah.

19 MS. LAND: Yeah. With the way you have --
20 especially with the -- it doesn't matter how much it's
21 destroyed, it can be put back. And with the ability
22 to grow a nonconforming use, I don't -- it's going to
23 be hard to come up with a scenario of -- and I'm sure
24 there will be one at some point. But in thinking it
25 through, all the examples you guys have talked about,

1 I think you found a way that those people aren't going
2 to be damaged by zoning. They'll still have some
3 options and abilities to increase or change.

4 The only thing that isn't something that you
5 can do because it's State statute is if it stops being
6 that nonconforming use for a period of time, it has to
7 be conforming when it comes back. So if it's a
8 business and it closes down, if it's not used for --
9 say, the body shop that you're talking about closes
10 down and nobody has it running for three years, it
11 can't come back as a body shop as a nonconforming use.

12 SECRETARY STACY: That's a State statute?

13 MS. LAND: That's the one that I gave you
14 guys there.

15 SECRETARY STACY: Okay. That's not us
16 making that decision.

17 MR. EVANS: We have -- I think it's on Page
18 35, under F, it's the same thing you just said, except
19 two years.

20 MS. LAND: It is two years.

21 MR. EVANS: I see that.

22 SECRETARY STACY: Yeah. Yeah.

23 MS. LAND: We -- I suppose you could say, if
24 you wanted to, go more than two years, that you could
25 say it could be three or five, or whatever. But State

1 statute is two. It's what everybody -- it's an
2 industry standard for zoning that it's two.

3 SECRETARY STACY: Uh-huh.

4 CHAIRPERSON TIMMERMAN: Right.

5 MS. LAND: It could be a unicorn. People
6 would not know -- it could cause muddiness that's not
7 necessary.

8 SECRETARY STACY: I think in two years, I
9 mean, I think that --

10 MS. PARGEON: That's long enough.

11 SECRETARY STACY: That seems to make sense.

12 MR. EVANS: That's a long time.

13 SECRETARY STACY: It's a standard in, you
14 know -- it's a State statute.

15 MS. LAND: We couldn't go less than two
16 because the State says -- the statute says two.

17 MS. PARGEON: Just leave it as it is.

18 VICE CHAIRPERSON REHUS: I'd leave it.

19 SECRETARY STACY: You could go more.

20 MS. LAND: I wouldn't mess with it now. I
21 wouldn't fiddle with that.

22 SECRETARY STACY: Okay.

23 MS. PARGEON: Okay.

24 MS. LAND: One of the other things that I
25 had a note from the last meeting that I did come to,

1 that we wanted to identify in Nonconforming Uses the
2 issue of what's existing because that was a little
3 bit -- you know, if it exists at the time, then, it's
4 a non. And I had written up that, A use is
5 considered -- it's the top thing on that page I gave
6 you guys. It's considered to exist or to have
7 commenced if a portion of the project is constructed
8 and it's affixed to the ground and where construction
9 is being -- diligently being carried on.

10 MS. PARGEON: Uh-huh.

11 MS. LAND: So a cut in a driveway wouldn't
12 do it. Moving ground, starting a site plan or site
13 prep wouldn't do it.

14 MS. PARGEON: Right.

15 MS. LAND: They would have to have
16 construction materials affixed to the ground to be --
17 fit the definition of "existing."

18 SECRETARY STACY: Uh-huh.

19 MS. PARGEON: Yes.

20 SECRETARY STACY: Okay.

21 MS. PARGEON: Yes.

22 MS. LAND: I will -- you aren't really sure
23 where we want to add that. I have Page 33, between
24 paragraphs 2 and 3. I think under 1501, paragraph 1,
25 there are -- the first two paragraphs there, "It is

1 the intent..." and "It is recognized..." Those two
2 paragraphs.

3 SECRETARY STACY: Uh-huh.

4 MS. LAND: Stick it in between there.

5 SECRETARY STACY: Okay.

6 MS. LAND: So that there's no question about
7 what is considered commenced or existing.

8 SECRETARY STACY: Right.

9 CHAIRPERSON TIMMERMAN: You said you were
10 going to put that where then?

11 MS. LAND: Page 30 -- no, not 34.

12 CHAIRPERSON TIMMERMAN: Page 33.

13 MS. LAND: Where?

14 SECRETARY STACY: Between the first and the
15 second --

16 CHAIRPERSON TIMMERMAN: Okay.

17 MS. LAND: Paragraph under subsection 1.

18 CHAIRPERSON TIMMERMAN: Okay.

19 MS. LAND: And I also understand one of you
20 guys mentioned that the page numbering got thrown off,
21 so the Table of Contents and the page numbers don't
22 all match.

23 CHAIRPERSON TIMMERMAN: There's -- I don't
24 think it's a numbering system. I think just there's a
25 couple of errors in it.

1 MS. LAND: Okay. Those can be fixed at the
2 end before it goes to the Board of Elections because
3 the Table of Contents isn't part of the statute
4 itself, it's just a guide. So whatever we end up with
5 with some of these changes and things added in, it
6 could shift everything anyways. So --

7 CHAIRPERSON TIMMERMAN: Okay.

8 MS. LAND: -- once the township trustees
9 have their hearing and they adopt everything, whatever
10 they put into it, then, would be -- the book would
11 be -- have these changes incorporated into one book
12 before it goes to the Board of Elections.

13 CHAIRPERSON TIMMERMAN: Yeah.

14 MS. LAND: Which will have us hustling to
15 get it done with the day, but we can get that
16 accomplished and, then, we'll change those and make it
17 right.

18 I did see there's a typo. There's Page 78
19 in here. It didn't go that high.

20 CHAIRPERSON TIMMERMAN: Right.

21 SECRETARY STACY: Right.

22 MS. LAND: I think it was 68.

23 SECRETARY STACY: Yeah.

24 MS. LAND: Also in The eAllen thing, they
25 raised the issue of there is a definition error with

1 "Major" and "Minor Auto Repair." "Major Auto Repair"
2 got put in twice, and "Minor" didn't get put in at
3 all.

4 CHAIRPERSON TIMMERMAN: It's actually kind
5 of in there three times when you look at it.

6 MS. LAND: Okay. I'll find those.

7 CHAIRPERSON TIMMERMAN: It's all together.
8 But it says, like, "Auto Repair," then it gives the
9 definition. Says "Major Auto Repair," gives the exact
10 same definition. "Minor" -- well, it doesn't say
11 "Minor." It says --

12 MS. LAND: It says "Major" again.

13 CHAIRPERSON TIMMERMAN: With the same
14 definition.

15 MS. LAND: Yeah, I know.

16 CHAIRPERSON TIMMERMAN: It's kind of in
17 there three times actually.

18 MS. LAND: I thought I was just seeing
19 double. Yeah, I'll get that fixed.

20 CHAIRPERSON TIMMERMAN: Okay. Do we want to
21 keep going through the list of things in The eAllen?

22 MS. LAND: We can do that.

23 CHAIRPERSON TIMMERMAN: Is that our best
24 strategy at this point? I feel like Section 20 was
25 Nonconforming Use.

1 MS. LAND: Yeah. You want to read through
2 these and see if -- I haven't had a chance to scour
3 them.

4 CHAIRPERSON TIMMERMAN: Dave, you want to
5 read?

6 MS. PARGEON: What page is that on?

7 CHAIRPERSON TIMMERMAN: Page 11.

8 VICE CHAIRPERSON REHUS: We don't have a
9 copy. We didn't bring them.

10 MS. PARGEON: I'll let you use mine.

11 FROM THE FLOOR: We've got one in the car.
12 Do you want me to go out and get it?

13 MS. LAND: That would be nice, if you would.
14 Thank you.

15 CHAIRPERSON TIMMERMAN: Then everybody's got
16 the same stuff.

17 I'll read 20 for right now, I guess.

18 20, Section 1502, line 1245 deals with
19 existing Nonconforming Uses. "In your home and
20 business -- if your home and/or business will be an
21 existing nonconforming use, this section governs what
22 you can continue to do with your property after the
23 ordinance goes into effect."

24 "A. They admit that some structures that
25 were lawful before this Resolution would be

1 prohibited, regulated, or restricted under this
2 Resolution."

3 MS. LAND: Yes, that's true. Because it's
4 just a fact. You can't spot zone around and do
5 Residential every place there's a house. And, you
6 know, it just -- it's not permitted to zone in that
7 manner. So it's just --

8 CHAIRPERSON TIMMERMAN: It's a nonconforming
9 use at that point, and you just keep using it the way
10 you've been doing it.

11 MS. LAND: Yeah. Because until zoning goes
12 into effect, it's sort of a, you know, potpourri.
13 There's stuff everywhere. Some things won't fit into
14 the right category. Yeah. It's an -- okay. Another
15 one of those, Ah, yeah.

16 CHAIRPERSON TIMMERMAN: Thank you.

17 We're on Page 11 at the very bottom.

18 MR. EVANS: I'll share with you.

19 CHAIRPERSON TIMMERMAN: "B. Such uses are
20 declared incompatible and shall not be enlarged upon,
21 expanded, or extended, nor be used as grounds for
22 adding other structures."

23 I feel like that's a little bit what we were
24 just talking about.

25 MS. LAND: Again, it's kind of a --

1 CHAIRPERSON TIMMERMAN: Yeah.

2 MS. LAND: Yeah.

3 CHAIRPERSON TIMMERMAN: Is there a
4 scenario -- and I don't know what it is. This is me
5 thinking out loud.

6 Is there a scenario where you have a house
7 in a district and you -- and that district doesn't
8 allow, I'm going to say an accessory building, for
9 example. Is there -- or a -- I don't know.

10 MS. LAND: We've got sheds everywhere.

11 CHAIRPERSON TIMMERMAN: But I'm trying to
12 come up with a lot.

13 MS. LAND: Okay.

14 CHAIRPERSON TIMMERMAN: They don't allow
15 something, would that -- but it's something that would
16 be allowed in, like, a Residential or an Agricultural.
17 How do you handle that?

18 Like, if that house -- I don't know. Maybe
19 this is nothing. I'm just trying to think out loud.
20 Does that somehow restrict them?

21 MS. LAND: That may. Like building a --

22 CHAIRPERSON TIMMERMAN: Is that somewhere
23 where a variance -- like, hey, houses are typically
24 allowed to have whatever that is.

25 MS. LAND: That's possible. That would be

1 an example of when a Use Variance is something you
2 should consider.

3 CHAIRPERSON TIMMERMAN: Okay.

4 MS. LAND: You know, I always say, Use
5 Variances are bad. It doesn't mean they don't exist,
6 which I saw somewhere, it says they don't exist;
7 you're not allowed to have them.

8 CHAIRPERSON TIMMERMAN: Not allowed to have
9 them. Yeah.

10 MS. LAND: Not true.

11 MS. PARGEON: What if they turn a chicken
12 coop into a house? I've seen that.

13 MS. LAND: That's different. That's another
14 residence.

15 MS. PARGEON: Okay.

16 MS. LAND: Which causes problems on every
17 level, other than just your zoning level. You know,
18 the Board of Health would go nuts about that. There's
19 a lot of problems.

20 That would be the example for where there
21 could be a Use Variance. Or if they would be able to
22 have it because of their nonconformity, they wouldn't
23 be able to fit it in with setbacks because they have
24 to -- anything they increase has to not increase their
25 nonconformity.

1 CHAIRPERSON TIMMERMAN: Right.

2 MS. LAND: Then that would be an Area
3 Variance --

4 CHAIRPERSON TIMMERMAN: Okay.

5 MS. LAND: -- issue.

6 And those have to be something that's not of
7 the person's own making. Which, in this case, a
8 nonconforming use would not be of their making. It's
9 something that's happening to their property because
10 of zoning going into effect.

11 There's that -- there's a checklist of
12 things that you have to --

13 CHAIRPERSON TIMMERMAN: Right. I guess my
14 point is, is, like, we're not trying to stop people
15 from doing the things they want to do.

16 MS. LAND: No.

17 CHAIRPERSON TIMMERMAN: I just want to make
18 sure there's a provision where you could do a
19 variance. Like, yeah, that would be perfectly normal.
20 Let's get a variance for that.

21 MS. LAND: You can. Yes.

22 CHAIRPERSON TIMMERMAN: Let's make that
23 happen.

24 SECRETARY STACY: And maybe this would be an
25 example of that. My daughter and her husband -- and

1 they don't live around here. They are about three
2 hours away in Ohio. They lived in -- they live in a
3 zoned township. Well, they did build a home. The
4 property they had, I think it was around 6 acres, it's
5 kind of rolling. When it comes -- the driveway comes
6 off the road, it kind of dips down and then it rolls
7 back up and there actually is a little bit of a
8 wetlands in there, too, that eats up some of the
9 property that they have.

10 They have a barn, like, a Morton building
11 barn that actually is closer to the road than the
12 house is. The house -- they built the house on a
13 higher point of the property because that made more
14 sense.

15 Now, the building isn't directly in front of
16 house. It's really kind of like on the side, you
17 know, and it had the setbacks. I know they had to go
18 in front of the zoning commission. Evidently they had
19 to get some kind of a variance. It was kind of a
20 hardship that was not of their own creating, and I do
21 remember they had a neighbor that -- his property was
22 next to that lot, and that neighbor basically said,
23 Hey, it's fine. So they kind of had some feedback
24 from that neighbor and so that's what they did. So
25 would that kind of be --

1 MS. LAND: Yeah. Because the way that lot
2 is put together, it makes sense that they can go in
3 and ask for an Area Variance because we can't put
4 stuff where your setbacks say they can be because it's
5 a wetland and we can't build there.

6 Or if you have a ditch running through your
7 property. You know, when you go down Bright Road
8 by -- across from St. Mike's --

9 SECRETARY STACY: Yeah. Yeah.

10 MS. LAND: -- there's that big ditch --

11 SECRETARY STACY: There is.

12 MS. LAND: -- that has ridges and stuff?

13 CHAIRPERSON TIMMERMAN: Yeah.

14 MS. LAND: I mean, that really limits -- I
15 mean, it's in the City so it doesn't have -- you know,
16 they have a different kind of zoning. But if it were
17 in this kind of area, that would really limit some
18 issues about where things could be.

19 CHAIRPERSON TIMMERMAN: Sure.

20 MS. LAND: They may have to have the houses
21 closer to the backyard -- back -- set back and they
22 should be because you can't build them --

23 SECRETARY STACY: Right.

24 MS. LAND: -- too close to the ditch.

25 SECRETARY STACY: Right.

1 CHAIRPERSON TIMMERMAN: Right.

2 MS. LAND: So those are things that aren't
3 of the -- you know, aren't of their making, you know.

4 SECRETARY STACY: Right.

5 CHAIRPERSON TIMMERMAN: Okay.

6 "C. A nonconforming use of a structure
7 shall not be extended or enlarged after passage of the
8 Resolution."

9 I feel like we just talked about that.

10 MS. LAND: Wait a minute. What page is
11 that?

12 MS. PARGEON: 11-C.

13 CHAIRPERSON TIMMERMAN: Well, she's saying
14 in the book. Line 1260.

15 MS. LAND: Yeah. It's something --

16 CHAIRPERSON TIMMERMAN: I guess we --

17 MS. LAND: It might be something you want to
18 look at here to make sure that we don't have any
19 confusion.

20 What page were we just on? Page 34. So it
21 would probably be on Page 33.

22 CHAIRPERSON TIMMERMAN: It's on Page 49, 50.

23 MS. LAND: You're in eAllen.

24 CHAIRPERSON TIMMERMAN: The eAllen. Sorry.

25 MS. LAND: I'm looking in your book.

1 CHAIRPERSON TIMMERMAN: It's Section 1502.

2 MS. LAND: Paragraph 1 or subsection 1, and
3 it's like the one, two, three --

4 CHAIRPERSON TIMMERMAN: It's --

5 MS. LAND: It's the fourth paragraph down,
6 right?

7 CHAIRPERSON TIMMERMAN: Sure. Yeah. I
8 agree with that.

9 MS. LAND: "A nonconforming use of a
10 structure or nonconforming use of land or a
11 nonconforming use of structure and land shall not be
12 extended or enlarged after passage of this Resolution
13 by attachment on a building or premises, additional
14 signs intended to be seen..."

15 What? That's a sign thing.

16 CHAIRPERSON TIMMERMAN: That's -- you're in
17 the right section I think.

18 MS. LAND: Yeah. That's what this one is.

19 MS. PARGEON: What page are you on?

20 CHAIRPERSON TIMMERMAN: In what, The eAllen?

21 MS. PARGEON: Yeah.

22 CHAIRPERSON TIMMERMAN: Top of Page 50.

23 MR. EVANS: Very first full paragraph.

24 That's the same as --

25 MS. LAND: Yeah, I think it is.

1 MR. EVANS: I mean, that's the same as what
2 they're calling line 1260.

3 MS. LAND: Right. That's where they're
4 saying -- but it's, "...nonconforming use of a
5 structure shall not be extended or enlarged after
6 passage of this Resolution by attachment on a building
7 or premises of additional signs intended to be seen
8 from off the premises, or by addition of other uses of
9 nature which..." --

10 SECRETARY STACY: What?

11 MS. LAND: -- "...would not be permitted
12 generally in the district involved."

13 SECRETARY STACY: They're not going to be
14 attaching a building to a sign.

15 CHAIRPERSON TIMMERMAN: Did something get
16 copied and pasted weird?

17 MS. PARGEON: That's what it looks like.

18 MS. LAND: No, it's just that it's limiting
19 the use of, like, if it's a business, additional
20 signage.

21 They're making a big deal out of something
22 that I bet will never ever, ever, ever be an issue for
23 anybody. And the way they've said here what it is --
24 oh, darn. I lost my page.

25 MS. PARGEON: Doesn't make any sense.

1 SECRETARY STACY: I'm not sure it makes
2 sense.

3 MS. PARGEON: No, it doesn't make sense.

4 MS. LAND: Well, if you'll notice -- here's
5 another one of these things that had me a little bit,
6 you know, heartburn-y today. This section says, "A
7 nonconforming use of a structure... shall not be
8 extended or enlarged after passage of this
9 Resolution."

10 They left all of the guts out in the middle
11 that made it a nonissue. It's the -- limiting the
12 nonconforming use ability to additional signage.

13 CHAIRPERSON TIMMERMAN: Wouldn't that be the
14 signage section, though?

15 MS. LAND: No because it's a nonconforming
16 thing.

17 CHAIRPERSON TIMMERMAN: Okay.

18 MS. LAND: That's why it had to get put here
19 because the signage and section tells you what can
20 have for what kind of signs --

21 CHAIRPERSON TIMMERMAN: Gotcha.

22 MS. LAND: -- in certain districts. This
23 one is saying that we're excluding signs from being
24 able to be added. But in making it sound like this,
25 it's a very different statement.

1 "The nonconforming use of a structure shall
2 not be extended or enlarged after passage of this
3 Resolution," with the dot, dot, dots in the middle.

4 CHAIRPERSON TIMMERMAN: Right.

5 MS. LAND: Cowardly.

6 MS. PARGEON: What page is that on?

7 CHAIRPERSON TIMMERMAN: Page 11.

8 MS. LAND: Page 11, Section C. They're
9 leaving stuff out, putting the little three dots in
10 there and, then -- but they're changing the entire
11 scope of what the statement is --

12 CHAIRPERSON TIMMERMAN: Right.

13 MS. LAND: -- by doing that.

14 CHAIRPERSON TIMMERMAN: Yeah.

15 MS. PARGEON: That's funny. The dots are so
16 little I didn't notice them.

17 MS. LAND: I wouldn't worry about that
18 section. I'd just leave it as is. It's not something
19 that I think should be added in a correction sheet
20 like this because it's not an issue.

21 CHAIRPERSON TIMMERMAN: Okay.

22 SECRETARY STACY: And we've always said it
23 is a living document.

24 MS. PARGEON: Uh-huh.

25 MS. LAND: If it becomes an issue we'll

1 discuss it and you can --

2 SECRETARY STACY: Sure.

3 MS. LAND: -- have somebody propose
4 amendments at some point or another if this ever
5 becomes an issue.

6 MS. PARGEON: Uh-huh.

7 MS. LAND: But I've never had anybody deal
8 with this issue ever, and it's a -- it's a kind of a
9 boilerplate that's in everybody's zoning book.

10 SECRETARY STACY: Okay.

11 MS. LAND: It's a very different statement
12 here just because of the problems --

13 SECRETARY STACY: Yeah.

14 MS. LAND: -- with the dot, dot, dots. But
15 the way it's really written in the actual book, not an
16 issue.

17 SECRETARY STACY: Okay.

18 CHAIRPERSON TIMMERMAN: The next line is
19 1265 also, which is still -- I guess that's the next
20 paragraph.

21 "This ordinance carves out..." --

22 MS. LAND: "And exemption." I think it's
23 supposed to be "an."

24 SECRETARY STACY: Typo.

25 MS. LAND: They could have done with a lot

1 of proofreading in this document.

2 SECRETARY STACY: Typo.

3 MS. PARGEON: Yeah.

4 CHAIRPERSON TIMMERMAN: -- "...for
5 structures under construction lawfully before the
6 ordinance goes into effect."

7 I think this might be like the
8 grandfathering stuff. Yeah. This is similar I think
9 to what you added on Page 33.

10 MS. LAND: Yeah. Except that we are clearly
11 identifying what is -- what we are considering actual
12 construction.

13 SECRETARY STACY: Right.

14 CHAIRPERSON TIMMERMAN: Okay.

15 MS. LAND: You know what? We might not even
16 need to do what's on 33 with what's in here.

17 CHAIRPERSON TIMMERMAN: Right.

18 MS. LAND: Let me double check that it's
19 actually in our book and not something that's being
20 bastardized here.

21 CHAIRPERSON TIMMERMAN: Page 34 out of our
22 book I think is where we're at.

23 MS. LAND: Yeah, I think it's there.

24 CHAIRPERSON TIMMERMAN: Yeah.

25 MS. LAND: Yes, it is. I'm not going to add

1 this, what we've put on 33.

2 SECRETARY STACY: Okay.

3 CHAIRPERSON TIMMERMAN: "Actual construction
4 is hereby defined to include the placing of
5 construction materials in permanent position and
6 fastened to the permanent -- fastened in a permanent
7 manner."

8 So it's basically saying the same stuff we
9 had, right?

10 MS. LAND: Yes.

11 CHAIRPERSON TIMMERMAN: Affixed to the
12 ground.

13 MS. LAND: Yeah.

14 CHAIRPERSON TIMMERMAN: Permanent. Okay.

15 MS. LAND: We already had it.

16 CHAIRPERSON TIMMERMAN: All right.

17 Letter E. "Nonconforming structures may be
18 enlarged no more than 50 percent but may not increase
19 the structure's nonconformity."

20 That's line 1284.

21 "This conflicts with 1255. We have no idea
22 what would govern."

23 MS. LAND: 1255 is what we just looked at.
24 Was that 1255, the one with the signs?

25 MR. EVANS: That's a different one. It's on

1 Page 49.

2 CHAIRPERSON TIMMERMAN: 1255 is this
3 start -- the third paragraph from Intent. Not the
4 fourth. We looked at the fourth.

5 MS. LAND: Uh-huh.

6 CHAIRPERSON TIMMERMAN: "Such uses are
7 declared by this Resolution to be incompatible with
8 permitted uses and district involved. It is further
9 the intent of this Resolution that nonconformity shall
10 not be enlarged upon, expanded, or extended, nor be
11 used as grounds for adding other structures, nor
12 used -- or uses prohibited elsewhere in the same
13 district."

14 So that's in the Intent.

15 MS. LAND: Uh-huh. And in the Intent
16 section, I don't have a problem with these two and
17 I don't think they're conflicting. The intent is that
18 nonconforming uses aren't supposed to become beasts of
19 their own, but we do have, once we move on, some
20 exceptions for where nonconforming uses do have some
21 grace to be able to expand.

22 There's -- it's not the, "Oh, what would
23 govern?" It doesn't -- it's not -- sarcasm is like
24 the lowest form of argument and, I mean, I've been
25 using it a lot tonight, but I guess I'm lowering to

1 the level.

2 Yeah. I'm not concerned about that argument
3 there.

4 CHAIRPERSON TIMMERMAN: Okay.

5 "F. If a nonconforming structure has a fire
6 and destroys more than 75 percent..."

7 MS. LAND: We dealt with that.

8 CHAIRPERSON TIMMERMAN: We've dealt with
9 that.

10 "G. If you have a house in the new B-I or
11 ES Districts, you cannot add a new nonconforming
12 structure."

13 Yeah. It seems to me that you cannot --

14 MS. LAND: That's that question you just
15 asked.

16 CHAIRPERSON TIMMERMAN: It is.

17 MS. LAND: Yeah. They can have a doghouse.

18 CHAIRPERSON TIMMERMAN: Would they be
19 allowed to have a shed?

20 MS. LAND: It would have to probably be a
21 variance.

22 CHAIRPERSON TIMMERMAN: Okay. So that would
23 be something that would, again, be normal for a
24 residence to have and we could easily do a variance
25 for something like that.

1 "There are a bunch of new rules about
2 accessory buildings."

3 MS. LAND: Bunch of new rules about
4 everything because there are no rules.

5 CHAIRPERSON TIMMERMAN: Yeah. They must
6 comply with setbacks. Yeah. That's --

7 MS. LAND: Yeah.

8 CHAIRPERSON TIMMERMAN: -- pretty easy.
9 They can't be more than 14 feet tall for the
10 R District -- the Residential District.

11 MS. LAND: Is that what's in your--

12 CHAIRPERSON TIMMERMAN: That is correct.
13 Yeah.

14 MS. LAND: Okay.

15 CHAIRPERSON TIMMERMAN: "If you own a camper
16 or RV, you have to park it in accordance with setbacks
17 for accessory buildings." 1375.

18 MS. LAND: Yeah. I think that's correct.

19 CHAIRPERSON TIMMERMAN: I think so, too. So
20 it would be Section 1503, No. 8.

21 MS. LAND: Uh-huh. I don't have any problem
22 with that because with zoning complaints that you get
23 about things that neighbors are doing that upset other
24 neighbors, it's the parking of boats and RVs right on
25 the property line right beside where -- the neighbor's

1 house. It's the one thing that really, really seems
2 to set neighbors off. They have rules that they can
3 do it; they just have to follow a particular rule.
4 There's nothing wrong with that.

5 CHAIRPERSON TIMMERMAN: It's just following
6 the setbacks is really what you're looking at. This
7 is not a --

8 MS. LAND: Not saying you can't do it.

9 CHAIRPERSON TIMMERMAN: Right.

10 MS. LAND: In Marion Township, we can't do
11 it. We can't have them. You have to find some place
12 to store them other than at your house. You can't
13 have it there.

14 CHAIRPERSON TIMMERMAN: No. 22, "A bunch of
15 new off-street parking requirements." 1381 is the
16 line.

17 "We have no idea which existing businesses,
18 homes, and churches do or do not comply with these
19 numbers."

20 If they're existing, they're grandfathered.

21 MS. LAND: Yeah.

22 SECRETARY STACY: Right.

23 CHAIRPERSON TIMMERMAN: So not really an
24 issue for existing business, homes or churches. Is
25 that all we want to say about that?

1 MS. LAND: Yeah.

2 CHAIRPERSON TIMMERMAN: No. 32, "There are a
3 bunch - five plus pages - of new rules about signs."

4 SECRETARY STACY: Well, Matt from Regional
5 Planning wrote our sign section.

6 CHAIRPERSON TIMMERMAN: It's -- yeah.
7 It's --

8 SECRETARY STACY: So they can take that up
9 with Regional Planning.

10 MS. LAND: Uh-huh.

11 CHAIRPERSON TIMMERMAN: Same rules that
12 Findlay follows.

13 SECRETARY STACY: Yeah. Yeah.

14 CHAIRPERSON TIMMERMAN: And how many people
15 really have sign issues?

16 No. 24. "There are a bunch - five plus
17 pages - of new rules about fences."

18 The facts are it's less than one page, not
19 five plus. And they listed pretty much all of them.

20 MS. LAND: Well, apparently they have
21 counting issues, too.

22 CHAIRPERSON TIMMERMAN: Yeah. So...

23 SECRETARY STACY: Well, you know, as far
24 as -- and we talked about fences in the front yard.
25 You know, they can have them. But, you know, you

1 don't want them to obstruct your -- when you're
2 driving on the street, or if there is an issue.

3 I mean, it makes --

4 MS. LAND: Imagine backing out of your --

5 SECRETARY STACY: Yeah. Yeah.

6 MS. LAND: -- driveway if your neighbor has
7 an 8-foot stockade fence across the front of their
8 property.

9 SECRETARY STACY: Yeah, you couldn't see.

10 MS. LAND: You know, you're going to have to
11 be out there --

12 SECRETARY STACY: You'd be on the road.

13 MS. LAND: -- before you can see. There's a
14 reason for what you guys are doing.

15 SECRETARY STACY: That is a safety issue.

16 MS. LAND: Yes.

17 CHAIRPERSON TIMMERMAN: Yeah. The fences
18 have to be 2 feet or more off property lines.

19 MS. LAND: I'm just getting the impression
20 that whoever picked these apart and wrote this would
21 be the worst neighbor on the face of the earth.

22 MS. PARGEON: You've got it.

23 SECRETARY STACY: Probably.

24 MS. LAND: I don't think I'd want to live by
25 this guy.

1 CHAIRPERSON TIMMERMAN: All right.

2 MS. LAND: Or girl. I don't know who wrote
3 it.

4 SECRETARY STACY: Okay. Where are you at?
5 C.

6 CHAIRPERSON TIMMERMAN: Do you want to go
7 through all of them?

8 SECRETARY STACY: No. No.

9 CHAIRPERSON TIMMERMAN: It's pretty much
10 stating what's in there. It's not really --

11 SECRETARY STACY: It's such a crime to
12 maintain your fence in good repair.

13 MS. PARGEON: Oh, yeah. That's just
14 terrible, isn't it?

15 MS. LAND: Yeah.

16 CHAIRPERSON TIMMERMAN: 25. We good?

17 SECRETARY STACY: Sure.

18 CHAIRPERSON TIMMERMAN: "There is a new Site
19 Plan Review process for everything but Agricultural
20 and Single-Family Dwelling Districts. You cannot
21 build or modify anything in any other district or for
22 any other purpose without going through this review
23 process with the zoning commission approval process."

24 SECRETARY STACY: Process. Process.

25 MS. LAND: Which is standard in every kind

1 of zoning book there is. The City of Findlay's is
2 even far more stringent than this before it needs to
3 come through Site Plan Review. It's -- you know, in
4 Marion, Washington, they have the same general kind of
5 provision. It's not something that any reputable
6 builder even blinks at.

7 SECRETARY STACY: Yeah.

8 MS. LAND: This is part of the process of
9 what we do. So I'm -- and they're making it into a
10 big hairy deal but it's not.

11 CHAIRPERSON TIMMERMAN: I think somebody
12 that lives in, like, a nonconforming use, you live in
13 the I-2 District by chance, you know, I think a simple
14 phone call, Hey, what do you really need me to do?

15 MS. PARGEON: Uh-huh.

16 MS. LAND: And Site Plan Review does not
17 mean you have to have an engineer do engineering plans
18 that nobody would be able to fold up.

19 CHAIRPERSON TIMMERMAN: That's mean. That
20 hurts.

21 SECRETARY STACY: Yeah.

22 MS. PARGEON: Take it back. Take it back.

23 SECRETARY STACY: Breathe.

24 MS. LAND: I did not fold that. They gave
25 it to me folded.

1 CHAIRPERSON TIMMERMAN: Right.

2 MS. LAND: In Marion Township, I wanted to
3 put in a shed and they said you need to have a site
4 plan, you know, to show them where I was going to do
5 it. So we -- they -- What am I supposed to do? He
6 said, Get a picture off the auditor's website, show me
7 your lot lines, draw in where you want it to be with
8 your distances, and that's what we'll go by. So --
9 and it was perfectly fine. That's how they do it, you
10 know. So it's not like somebody has to pay a ton of
11 money to do it.

12 CHAIRPERSON TIMMERMAN: Been there, done
13 that with building a house. It was simple.

14 MS. LAND: Yeah. It's not -- yeah.

15 CHAIRPERSON TIMMERMAN: Hand-sketched.

16 MS. LAND: It's a -- it's a scare tactic
17 that it's going to make everything too administrative
18 and too crazy to be able to live, and it just doesn't.

19 CHAIRPERSON TIMMERMAN: Yeah.

20 MS. LAND: I guess it depends on if they
21 trust what you guys are saying and what you guys
22 intend versus what the unnamed person here is saying.
23 So...

24 CHAIRPERSON TIMMERMAN: No. 26, line 1928
25 seems to say that, "A lot that does not have direct

1 access to a public road is not permitted to do
2 anything."

3 MS. LAND: That's not a zoning thing.
4 That's just an auditor thing. If you have a
5 landlocked lot, you can't do anything with it until
6 you get permission to get frontage. If you can't get
7 to your lot -- unless, of course, you have a
8 helicopter pad, I guess -- but they can't -- it's just
9 not allowed. It's not a you thing. That's an auditor
10 thing.

11 CHAIRPERSON TIMMERMAN: Okay. You can use
12 it for Agricultural use.

13 MS. LAND: You can still farm it.

14 CHAIRPERSON TIMMERMAN: You can still farm
15 it.

16 MS. LAND: You just can't build a house on
17 it.

18 CHAIRPERSON TIMMERMAN: Nobody was going to
19 build back there anyway.

20 SECRETARY STACY: Unless you have access to
21 it. I would think you would want to be able to get
22 out to the road from time to time.

23 MS. LAND: Well, yeah. They're basically
24 saying -- they're also saying you can't create a
25 landlocked lot. But if you try to, and that's a lot

1 that has no frontage anyway, it's called landlock. If
2 you take that to try to get it -- a split approved
3 through Regional Planning or the transfer of the split
4 approved through the auditor's office, they won't
5 permit it. They put a great big, old stamp on that
6 thing and send it back and say it's not a permitted
7 split. You can't transfer it that way.

8 SECRETARY STACY: We are not talking about
9 flag lots.

10 MS. LAND: No because flag lots do have
11 access to the road --

12 SECRETARY STACY: Sure.

13 MS. LAND: -- and it may just be narrower
14 frontage.

15 SECRETARY STACY: Right. Right.

16 MS. LAND: But there are a number of lots
17 around the county that --

18 SECRETARY STACY: There are.

19 MS. LAND: -- over the years have ended up
20 being right in the middle. We've got to be very
21 careful when we find those, like, when we're vacating
22 roads and stuff, that we aren't going to landlock
23 anything.

24 CHAIRPERSON TIMMERMAN: All right. 27.

25 "There are a bunch of new rules about ponds.

1 You cannot create or modified a pond without complying
2 with this section."

3 MS. LAND: Which is a very good thing. Just
4 saying.

5 CHAIRPERSON TIMMERMAN: Yeah.

6 "There are a bunch of new rules about
7 administration and enforcement."

8 MS. LAND: Yep. Well, wait a minute. The
9 pond, the borrow pits, explain to me -- you said you
10 had a concern.

11 SECRETARY STACY: Yeah. I have to find it.
12 It had to do with being 10 feet --

13 MS. LAND: Yeah. All zoning districts,
14 except the I-2 Zoning District, borrow pits under
15 1 acre in surface area with a depth up to 20 feet, but
16 no greater than 10 feet from the bedrock.

17 CHAIRPERSON TIMMERMAN: No greater.

18 MS. LAND: Than 10 feet.

19 CHAIRPERSON TIMMERMAN: No less than.

20 SECRETARY STACY: We want at least 10 feet
21 between the bottom of the borrow pit and the bedrock.

22 MS. LAND: Aren't we saying that?

23 CHAIRPERSON TIMMERMAN: I don't know.

24 MS. LAND: No greater than 10 feet to the
25 bedrock.

1 CHAIRPERSON TIMMERMAN: It says "No greater
2 than 10 feet."

3 SECRETARY STACY: What page is that on?

4 MS. LAND: 10 feet from bedrock. Oh, no
5 greater. I get it.

6 SECRETARY STACY: Yeah. We --

7 CHAIRPERSON TIMMERMAN: It has to --

8 SECRETARY STACY: We want a minimum.

9 CHAIRPERSON TIMMERMAN: What page are you
10 on?

11 SECRETARY STACY: Yeah. Where is that at?

12 MS. LAND: It's something I don't know in
13 ours.

14 SECRETARY STACY: On ours, I'm looking.

15 MS. LAND: Oh, I just opened it. 52.

16 SECRETARY STACY: We want a minimum of
17 10 feet from bedrock to the point where they need to
18 stop digging. We don't want to jeopardize the
19 groundwater. And actually --

20 CHAIRPERSON TIMMERMAN: It says that in two
21 places.

22 SECRETARY STACY: Yeah. There's two
23 sentences.

24 CHAIRPERSON TIMMERMAN: You see it in No. 1.

25 SECRETARY STACY: Yeah.

1 CHAIRPERSON TIMMERMAN: And, then, if you go
2 to 2-B, at the very end there.

3 SECRETARY STACY: Yeah. Yeah. Yeah.

4 CHAIRPERSON TIMMERMAN: At the very end
5 there, it says --

6 MS. LAND: So do I need to change the word
7 "greater" to "lesser"?

8 SECRETARY STACY: I think "less than." "No
9 less than 10 feet." So when you say "no less than,"
10 it has to be at least 10 feet from the bedrock to the
11 bottom of where you're digging, correct? Am I
12 thinking correctly?

13 MS. LAND: Okay.

14 MR. EVANS: Sounds right.

15 SECRETARY STACY: And, again, that's -- we
16 were concerned about groundwater. And we know the
17 issue that Washington Township is dealing with with
18 the landfill over there.

19 MS. LAND: And in Seneca County, right
20 across down -- on 224 where you get right into Seneca
21 County where there is a borrow pit that's being dug by
22 the landfill there, they're down into bedrock and
23 they're blasting into it.

24 MS. PARGEON: Oh, gosh.

25 MS. LAND: So that's -- you know.

1 SECRETARY STACY: No.

2 MS. LAND: That's something you've got to be
3 very careful of worrying about health, safety, and
4 welfare.

5 SECRETARY STACY: Sure.

6 MS. LAND: You don't want the water tables
7 destroyed. You don't want wells contaminated.

8 SECRETARY STACY: You're going to actually
9 cause damage to the wells in the area. And if you
10 have a property and a home, and you have no access to
11 water, that could be a very serious issue.

12 MS. LAND: Also, with a lot of borrow pits,
13 they daylight septic systems into them instead of
14 having them -- so they're daylighting a septic system,
15 which means just out the pipe into the --

16 SECRETARY STACY: Sure.

17 MS. LAND: -- pond. And, then, they're
18 blasting into the rock to get it down into the
19 aquifers. I'm not an engineer but I can think, Eww.
20 I mean --

21 MS. PARGEON: Yeah. Jeez.

22 MS. LAND: Right. There are concerns. And
23 it just has to be done properly. You know, it's not
24 you're saying they can't be done; they just have to be
25 done properly.

1 SECRETARY STACY: Right. Right. And
2 groundwater can impact a very large number of people
3 because it can -- I mean, it covers a large area.
4 So...

5 MS. LAND: Okay. I'll get that on this list
6 of alterations.

7 Back to the --

8 CHAIRPERSON TIMMERMAN: Fun.

9 Page 137, at the top, "A. There's a new
10 zoning inspector who is paid by the township in charge
11 of inspecting properties and enforcing the ordinance."

12 MS. LAND: Yeah.

13 CHAIRPERSON TIMMERMAN: There's going to be
14 a zoning inspector. Yeah.

15 SECRETARY STACY: Yeah. That's part of the
16 process. That's what -- all the other zoned townships
17 have a zoning inspector.

18 CHAIRPERSON TIMMERMAN: "B. All zoning
19 applications for all districts have to be -- have to
20 include drawings drawn to scale that meet certain
21 requirements." 2366.

22 I'm -- yeah. That's probably what we've
23 been discussing, which is Section 1702, Lot Lines.

24 MS. LAND: Uh-huh. Again, it doesn't say it
25 has to be drawn by an engineer. It doesn't have to

1 have -- you know, just draw it to scale. And almost
2 every zoning inspector that I've dealt with anywhere,
3 if people can't figure it out, they sit down with them
4 and say, Let's see what your lot looks like and where
5 you'd be able to put it, and help them draw because
6 they are the expert on what can and can't be done.

7 Again, it's sort of making it sound like
8 you're putting in administrative requirements that
9 make it impossible to do anything. It's just --
10 that's just not the case.

11 CHAIRPERSON TIMMERMAN: Okay. "29. Zoning
12 permits are required for all new buildings and
13 structures and alterations that change the footprint
14 of existing structures."

15 MS. LAND: Not true. Ag buildings do not
16 need zoning permits. And if you're changing the
17 footprint of an existing structure or any new
18 building, you do need a permit so that we know that
19 the setbacks have been met and that it's in
20 conformance with all the requirements for where it can
21 be placed on the lot. And if it's something that's
22 starting to have issues about lot coverage, that's why
23 it has to be to scale. I mean --

24 CHAIRPERSON TIMMERMAN: Yeah.

25 MS. LAND: They don't want to come in and

1 say -- with a picture that says, Hey, a little
2 building right here. And, then, they put on a massive
3 Morton building that covers 90 percent of their
4 property and completely encroaches on their neighbors,
5 that's not something that we want to have happen.

6 CHAIRPERSON TIMMERMAN: "30. A Compliance
7 Certificate seems to also be required. It's unclear
8 how Compliance Certificates differ from Zoning
9 Permits."

10 MS. LAND: It's not my fault they can't
11 read.

12 CHAIRPERSON TIMMERMAN: Is there a
13 difference between a Compliance Certificate and a
14 Zoning Permit?

15 MS. LAND: Yes. Say you want to move into a
16 new building that had a body shop in it that is a
17 Permitted Use, but you want to make it into a house
18 and change a body shop into a house in a Business
19 District, you have to get a Compliance Certificate to
20 see if you're allowed to do that. So we have to know
21 what is going on in the buildings or what their use is
22 because it's the use and location that's being
23 considered.

24 CHAIRPERSON TIMMERMAN: Okay.

25 MS. LAND: So the difference -- you're not

1 building a new building, but you are changing the use
2 of a building. And if what you want to do in that --
3 you wouldn't get a Compliance Certificate for that.
4 But if it was a body shop and you're coming along and
5 you say, I want to put a new building in here. A body
6 shop was permitted, but what I want to put in here is
7 a beauty salon. Yeah, it's still permitted. Get your
8 compliance. You're allowed to be here. This is
9 something that's a Permitted Use, but you didn't build
10 a building.

11 CHAIRPERSON TIMMERMAN: Okay. I'm going to
12 make a note of that. Are you making that note, Deb?

13 SECRETARY STACY: Well, I don't think I got
14 it all.

15 MS. LAND: One -- a part of what zoning does
16 is it regulates the location of things on property
17 with the setbacks, and it also regulates the use of
18 the property, what's permitted in each district. So
19 if something is going to start to be in a building
20 that already exists, that's where the Compliance
21 Certificates come in because they have to make
22 application to show that they are -- I mean, I've got
23 one going on now where there's an application of a guy
24 who wants to use a building that had been a
25 manufacturing plant to have an indoor marijuana grow.

1 He still has to do a Compliance Certificate
2 to see if he's in compliance for what he's allowed to
3 do, taking out the whole issue about whether that's
4 agricultural or not. He would still have to have a
5 Compliance Certificate that that's something that's
6 permitted in that building.

7 SECRETARY STACY: So it sounds like a
8 commercial use.

9 MS. LAND: It could be commercial use. It
10 could be -- it could be residential uses, too,
11 because, if you're in a Single-Family Residential, and
12 somebody decides they want to take a house and break
13 it up into apartments, that's not permitted. They
14 would not get a Compliance Certificate to do that.
15 But it's only if it's changing that use.

16 CHAIRPERSON TIMMERMAN: Is that where a
17 Compliance Certificate, it's always --

18 MS. LAND: When they're changing the use.

19 CHAIRPERSON TIMMERMAN: -- changing -- when
20 it's changing the use.

21 MS. LAND: If you have a body shop and you
22 sell it to a new guy as a body shop, it's still a body
23 shop; it was always there. But if you sell it to
24 somebody else and they change it into a hair salon,
25 then we still have to confirm, yeah, that's something

1 that's permitted in this district so it's a Compliance
2 Certificate.

3 CHAIRPERSON TIMMERMAN: Okay.

4 MS. LAND: The whole thing about the
5 footprint, I mean, they're making it sound like it's a
6 big deal. It does not -- if you want to go inside
7 that building and completely gut it and completely
8 build it out into a beautiful salon versus probably
9 not quite as beautiful body shop, that's not something
10 you need a permit for because you didn't change the
11 footprint. You can do whatever you want on the
12 inside.

13 CHAIRPERSON TIMMERMAN: Yeah. All right.

14 "31. You're required to get a footer
15 inspection from the zoning inspector before you pour
16 any concrete."

17 That's just to make sure you're --

18 SECRETARY STACY: Right.

19 CHAIRPERSON TIMMERMAN: -- within your
20 setbacks.

21 MS. LAND: That's for the property owner
22 because if it's not in the setbacks, you've got to
23 tear it back up.

24 CHAIRPERSON TIMMERMAN: Yeah.

25 "You're required to get a final inspection

1 when you're done building anything."

2 Again, just making sure you did what your
3 plan was.

4 MS. LAND: Uh-huh.

5 CHAIRPERSON TIMMERMAN: "There are fees for
6 permits and inspections."

7 MS. LAND: Yep.

8 CHAIRPERSON TIMMERMAN: Probably.

9 MS. PARGEON: It's a good thing or you
10 wouldn't --

11 CHAIRPERSON TIMMERMAN: Not -- not set by
12 us, though? Set by the trustees?

13 SECRETARY STACY: The trustees will set
14 that. And we even talked about we would expect those
15 to be very minimal just, you know, to cover
16 expenses --

17 CHAIRPERSON TIMMERMAN: Yeah.

18 SECRETARY STACY: -- of doing it. Yeah.

19 CHAIRPERSON TIMMERMAN: "There is a new
20 Board of Zoning Appeals created with individuals
21 appointed by the trustees."

22 SECRETARY STACY: Yes.

23 MS. LAND: Statutory.

24 CHAIRPERSON TIMMERMAN: Standard process
25 there.

1 "No. 35. If you want to do something that
2 doesn't comply with the ordinance, you have to get a
3 variance from the Board of Zoning Appeals. The
4 variance is meant to be -- it's meant to be hard to
5 get and they are not required to give it to you.
6 Variances are not allowed to be granted for --
7 variances are not allowed to be granted for uses."

8 This comes back to your --

9 MS. LAND: Are they saying there's no use?
10 That's not true.

11 CHAIRPERSON TIMMERMAN: That's not true.

12 MS. LAND: And it's also not meant to be
13 hard to get. It's just meant to follow rules.

14 CHAIRPERSON TIMMERMAN: Right.

15 MS. PARGEON: You mean they're supposed to
16 bribe you?

17 MS. LAND: Let's not joke about that.
18 They've already accused you of that once. Or some guy
19 did.

20 SECRETARY STACY: Yeah. That's -- don't go
21 there.

22 MS. PARGEON: Okay.

23 CHAIRPERSON TIMMERMAN: So yeah. Seems like
24 there's a lot of parts that are false.

25 MS. LAND: Very misleading. And -- well,

1 the variance is meant to be hard to get, that's a --
2 that's an opinion by whoever wrote this who we can't
3 question about it.

4 CHAIRPERSON TIMMERMAN: My opinion is is
5 that we would try to work with people as much as
6 possible, which is --

7 MS. PARGEON: Right.

8 CHAIRPERSON TIMMERMAN: -- the opposite of
9 hard.

10 MS. LAND: It's pretty much the tenor of
11 what you've set through everything here.

12 CHAIRPERSON TIMMERMAN: Yeah.

13 MS. LAND: And they're allowed to have their
14 opinion, even if it's wrong. Just saying.

15 CHAIRPERSON TIMMERMAN: Okay.

16 MS. LAND: My sarcasm level is getting out
17 of control.

18 CHAIRPERSON TIMMERMAN: We are almost done,
19 thank God.

20 MS. LAND: Yeah. No kidding.

21 CHAIRPERSON TIMMERMAN: "36. Violating this
22 ordinance costs \$500 per day."

23 MS. LAND: Statutory.

24 CHAIRPERSON TIMMERMAN: Standard then.

25 Okay.

1 "There seems to be an additional fine for
2 knowingly violating the ordinance."

3 MS. LAND: No.

4 CHAIRPERSON TIMMERMAN: That's on 2732.
5 What are they talking about?

6 MS. LAND: Yeah. But that's -- they are
7 misreading that.

8 CHAIRPERSON TIMMERMAN: Fines. Yeah. 2202.

9 MS. LAND: It's still that \$500 a day.

10 TRUSTEE SMITH: Cindy, what's the \$500-a-day
11 fine for?

12 MS. LAND: For violations of the zoning
13 ordinance. If somebody has a violation, generally,
14 the zoning inspector goes out and they -- if they find
15 that somebody has some violation.

16 I had one not long ago where somebody built
17 a pond without getting any permit and it was way close
18 to the road. Like, you know, you couldn't even hit a
19 brick before you ended up in this pond if you lost it
20 on the road.

21 They were given a notice. They had a
22 certain amount of time to correct that violation. If
23 they don't do that, then, they get -- it's a
24 misdemeanor. It goes through the municipal court and
25 the City prosecutors prosecute it. It's \$500 per day,

1 once they've been given their notice that their time
2 is up to get it fixed.

3 TRUSTEE SMITH: Okay.

4 SECRETARY STACY: Has it been corrected?

5 MS. LAND: The pond? Yeah.

6 SECRETARY STACY: I'm just curious. What
7 did they --

8 MS. LAND: We made them move it 16 feet.

9 SECRETARY STACY: Oh, it was a new -- they
10 were just --

11 MS. LAND: Oh, no. They finished it. We
12 still made them move it 16 feet.

13 MS. PARGEON: How did they move a pond?

14 MS. LAND: Took a lot of rock and
15 construction.

16 MS. PARGEON: From one end to the other.

17 SECRETARY STACY: Sounds like it was a
18 safety issue for someone driving on the road.

19 MS. LAND: It was.

20 SECRETARY STACY: I mean, you know, we do
21 get ice and things on the road.

22 MS. LAND: It is a lovely pond and they did
23 a beautiful job. It's just they didn't get a permit.

24 They didn't ask any questions. They claimed they
25 didn't know they were zoned. We ended up in court

1 with it as an appeal.

2 CHAIRPERSON TIMMERMAN: Okay. That's all
3 the fun from The eAllen.

4 MS. LAND: Yeah.

5 VICE CHAIRPERSON REHUS: Oh, yipee.

6 MS. PARGEON: Yeah. Yipee. I'm glad I
7 didn't spend the money to send it. It cost them \$3.55
8 to send it.

9 SECRETARY STACY: The thing about the --

10 VICE PRESIDENT REHUS: Did it?

11 MS. PARGEON: Yeah. Says it right there.

12 SECRETARY STACY: -- salvage and junk cars
13 and stuff, did we have --

14 VICE CHAIRPERSON REHUS: Mine came in a
15 green envelope.

16 SECRETARY STACY: -- we had tweaked that
17 a --

18 MS. PARGEON: Yours came in a green envelop?

19 VICE PRESIDENT REHUS: Yeah.

20 MS. PARGEON: That's what mine came in.

21 SECRETARY STACY: -- little bit from the
22 existing one. So you have what we tweaked, it's just
23 a matter of inserting that.

24 MS. LAND: I have -- there's something
25 different than this?

1 SECRETARY STACY: No, no, no. But -- let me
2 look.

3 MS. LAND: I think it got left out because I
4 never figured out where it was we were supposed to put
5 it in.

6 SECRETARY STACY: Because I just wanted to
7 look to see. We weren't requiring people to remove
8 the rubbish from their property. We were asking that
9 they would obscure -- totally obscure the view from
10 all -- from the boundaries from the road. And, then,
11 I think we also -- like, even siting -- I don't know.
12 Do you remember how we --

13 CHAIRPERSON TIMMERMAN: We did say something
14 about --

15 SECRETARY STACY: Side and back. I know
16 there are some properties that, depending on how the
17 road goes -- I'm thinking of one in particular; I'm
18 not going to name it. But, you know, if you're on the
19 other road, you can see on the back side. And that
20 obscuring could be fence or greenbelt.

21 MS. LAND: We've got Screening defined.

22 SECRETARY STACY: Yeah. We have Screening
23 defined.

24 MS. LAND: Does it say, "Screened, obscured
25 with screening"?

1 SECRETARY STACY: Yeah. Because when you
2 say "totally" --

3 MS. LAND: Where do you want that put?

4 SECRETARY STACY: I don't know.

5 CHAIRPERSON TIMMERMAN: Under General
6 Provisions.

7 MS. LAND: Under General Provisions.

8 CHAIRPERSON TIMMERMAN: Does that make as
9 much sense as anything?

10 MS. LAND: I will find a place to put that
11 in there and have you guys deal with it at your
12 hearing if you want to put it where I have it or move
13 it around.

14 CHAIRPERSON TIMMERMAN: Okay.

15 MS. PARGEON: I like this book better
16 (indicating).

17 SECRETARY STACY: So it sounds like, when we
18 go to the hearing, we're going to have a couple of
19 additions or clarifications, so will it be in the form
20 of a Resolution?

21 MS. LAND: Yeah.

22 SECRETARY STACY: Because, being the
23 secretary, I'm trying to -- I'm thinking ahead. So
24 will there be like a formally written Resolution?

25 MS. LAND: Yes.

1 SECRETARY STACY: Okay. And, then, we would
2 make the motion to adopt that. And I would want to do
3 a roll call vote to just secure that.

4 MS. LAND: I will write three Resolutions to
5 bring and you could opt for the one that you want.

6 SECRETARY STACY: Okay.

7 MS. LAND: One that says, We're approving it
8 as it is --

9 SECRETARY STACY: As it is.

10 MS. LAND: -- and sending it on.

11 One says, We're approving it with
12 modifications that we've discussed, and including the
13 modifications --

14 SECRETARY STACY: Okay.

15 MS. LAND: -- with this Resolution.

16 CHAIRPERSON TIMMERMAN: Are we obligated to
17 discuss all those changes?

18 MS. LAND: I would, yes, definitely.

19 CHAIRPERSON TIMMERMAN: Okay.

20 MS. LAND: And/or the other one would be, We
21 are rejecting and deciding not to go forward.

22 SECRETARY STACY: Okay.

23 MS. LAND: So those -- and just for
24 transparency, because, I mean, I can kind of guess
25 where you guys are going to go on this because there

1 was so much work that got put into it, but I don't
2 want to make those presumptions.

3 SECRETARY STACY: Sure.

4 MS. LAND: I will have it there. You can
5 decide what you want to do. I'll have them very
6 clearly marked on the top so you don't accidentally
7 get the wrong one, which is always a serious worry for
8 me. So I will take the -- this page that we have been
9 working on here with the one that I gave you and have
10 it typed up and included inside the modification
11 option.

12 SECRETARY STACY: Okay.

13 MS. PARGEON: That's a good help.

14 MS. LAND: That way, when it goes to the
15 trustees, what you're doing with that is you're
16 recommending and certifying it to the trustees for
17 them to have their hearing and sending it to Regional
18 Planning for their approval. It gets attached to the
19 book with the Resolution, and the whole thing goes
20 with the book, the Resolution and the map.

21 At the hearing, one of the maps, you guys
22 will all sign it because we're going to -- in the
23 Resolution saying we're approving this Resolution as
24 is.

25 SECRETARY STACY: Uh-huh.

1 MS. LAND: Or with the modifications.

2 SECRETARY STACY: Right.

3 MS. LAND: I'll only talk about approving
4 one way or the other because the other just ends it.
5 There's no point in talking about the next steps.

6 If you do, We're approving with these
7 modifications, this book, and the map --

8 SECRETARY STACY: Okay.

9 MS. LAND: -- you guys sign the map and date
10 it the date of your hearing, and that's what goes on
11 and it's the official.

12 CHAIRPERSON TIMMERMAN: Okay.

13 SECRETARY STACY: Okay.

14 CHAIRPERSON TIMMERMAN: And then signing
15 the -- do we sign the Resolution that you're --

16 MS. LAND: Yes. You'll sign the Resolution.

17 CHAIRPERSON TIMMERMAN: We sign that. And
18 that is the -- essentially signing the -- yeah. Okay.

19 MS. LAND: Yeah. At the end, once the
20 trustees are done, on this last page here, the
21 trustees sign it as legislation. But we'll have Deb
22 write in here the date of your public hearing as we're
23 moving it on because it's keeping the -- we'll have --
24 it takes the date of the township trust -- your
25 commission hearing, trustees' hearing, adoption by the

1 trustees, and certified by the Board of Elections, all
2 need to be on here for the final legislation once it's
3 put in place and starts being zoning.

4 SECRETARY STACY: So the modifications that
5 we would have, which I'm expecting that we will have,
6 is there a point where they can be incorporated
7 directly into this or --

8 MS. LAND: Yes.

9 SECRETARY STACY: -- are they --

10 MS. LAND: At the trustees' hearing, they
11 will take your recommendation Resolution with the
12 additions and this book.

13 SECRETARY STACY: Okay.

14 MS. LAND: And they will decide if they want
15 to keep these. If they decide they don't want to keep
16 those --

17 SECRETARY STACY: Right.

18 MS. LAND: -- it will come back through you
19 guys for another hearing --

20 SECRETARY STACY: Correct.

21 MS. LAND: -- to make that determination,
22 you know --

23 SECRETARY STACY: Correct.

24 MS. LAND: -- to make those substantive
25 changes.

1 SECRETARY STACY: Right.

2 MS. LAND: Let's just go with the -- be
3 hopeful and they will adopt it with your recommended
4 changes.

5 SECRETARY STACY: Right.

6 MS. LAND: Then they sign off on that. They
7 have a Resolution to adopt with those --

8 SECRETARY STACY: Okay.

9 MS. LAND: -- as is. I will take the book
10 then and we'll incorporate those into it --

11 SECRETARY STACY: Okay.

12 MS. LAND: -- and it will be a final copy
13 that goes to the Board of Elections --

14 SECRETARY STACY: Okay.

15 MS. LAND: -- because they won't take all
16 those.

17 SECRETARY STACY: Right.

18 MS. LAND: They will take the trustees'
19 Resolution. It will have to be -- one of the
20 Resolutions that the trustees will do, not only just
21 accepting this, they'll also establish ballot language
22 and they'll certify it to the Board of Elections. So
23 they have two Resolutions on their plate for the
24 hearing.

25 SECRETARY STACY: Okay. August 6th.

1 MS. LAND: Yes.

2 CHAIRPERSON TIMMERMAN: You had mentioned
3 changes to the Table of Contents, or whatever, the
4 book. That can be changed later.

5 I have a number of little, like, essentially
6 the verbiage from the Table of Contents doesn't match
7 in the book.

8 MS. LAND: Uh-huh.

9 CHAIRPERSON TIMMERMAN: So that would be
10 changing in the book? It's not stuff that everybody
11 wants to sit through, we know that. Is there, like,
12 just giving it to you or do we have to discuss those
13 as far as getting those changes?

14 MS. LAND: Just give them to me. They are
15 mostly typos --

16 CHAIRPERSON TIMMERMAN: Right. Exactly.

17 MS. LAND: -- and clerical corrections.

18 CHAIRPERSON TIMMERMAN: Yeah. I found a
19 spot where a number was wrong and dumb little things.
20 Nothing --

21 MS. LAND: Yeah.

22 CHAIRPERSON TIMMERMAN: Nothing that's
23 changing any context. So...

24 MS. LAND: Okay. Shifting gears to another
25 topic. You guys are all named in that second lawsuit.

1 They're in the discovery process which is a time that
2 you guys have already provided a bunch of stuff for
3 discovery. All those things that we had to copy and
4 give to them. Now they've determined that they want
5 to have depositions for all of you guys. And I think
6 we're looking at -- did I say -- what did I tell you?
7 July --

8 SECRETARY STACY: July 15th, I believe you
9 said.

10 MS. LAND: 15th and 16th, or 14th and 15th
11 are the dates that I have.

12 SECRETARY STACY: I think Monday is the
13 15th.

14 MS. LAND: Okay. So it's probably 15th and
15 16th. So keep that in mind if you are --

16 MR. EVANS: We need to be available?

17 MS. LAND: Yeah. That's just the
18 preliminary dates that we're having -- we've gotten so
19 far.

20 CHAIRPERSON TIMMERMAN: So nothing is set up
21 at this point?

22 MS. LAND: No.

23 CHAIRPERSON TIMMERMAN: Just start to look
24 into which day works better for people?

25 MS. LAND: Well, yeah.

1 CHAIRPERSON TIMMERMAN: Okay.

2 MS. PARGEON: They pick it; better clear it,
3 right?

4 MS. LAND: They aren't very -- they don't
5 care that much if it doesn't work for you guys.

6 CHAIRPERSON TIMMERMAN: Okay.

7 VICE CHAIRPERSON REHUS: You said the 15th
8 and 16th?

9 SECRETARY STACY: Yeah.

10 MR. EVANS: How much of a notice do you get?
11 I mean, like, 24-hour notice?

12 MS. LAND: We'll probably have a few days.

13 MR. EVANS: Okay. Good.

14 MS. LAND: You are parties to the process.
15 You've been named in the suit, so you won't get
16 subpoenas. There will just be a notice that you're
17 going to be deposed and you have to appear on that
18 because it's a court order. So...

19 VICE CHAIRPERSON REHUS: Where is that?

20 SECRETARY STACY: It'll be --

21 MS. LAND: It will be right there.

22 SECRETARY STACY: Yeah.

23 MS. LAND: I don't know how long they'll
24 take. When they deposed the trustees, it took about
25 an hour and a half or so for each of them.

1 Is that about right, Joe?

2 TRUSTEE SMITH: I was in there three.

3 MS. LAND: You were in there three hours?

4 TRUSTEE SMITH: Yeah.

5 MS. LAND: Jeez.

6 MS. PARGEON: They really grilled you.

7 TRUSTEE SMITH: Who's counting?

8 CHAIRPERSON TIMMERMAN: Apparently Joe.

9 MS. LAND: I was in zombie state by the time
10 you got there. It was a long day. The last group
11 they did were the December zoning commission.

12 SECRETARY STACY: Right.

13 MS. LAND: They had shorter because they
14 were only a zoning commission for, like, a day, but
15 they were each, like, a two-hour deposition. So...

16 CHAIRPERSON TIMMERMAN: Okay.

17 MS. LAND: I would think --

18 MS. PARGEON: Grilled on the book, huh?

19 MS. LAND: Wear comfortable clothes and
20 bring a bottle of water.

21 CHAIRPERSON TIMMERMAN: Don't laugh.

22 MS. PARGEON: Nothing stronger, huh?

23 MS. LAND: Nothing stronger.

24 FROM THE FLOOR: I love sarcasm.

25 CHAIRPERSON TIMMERMAN: What else? That's

1 enough fun.

2 MS. LAND: Yeah, that's the only --

3 CHAIRPERSON TIMMERMAN: Do we need to
4 schedule any more meetings just for -- just so that --
5 because we're all here and we can discuss it, is there
6 anything that needs to be -- what's happening in the
7 future that --

8 SECRETARY STACY: We do have another meeting
9 scheduled for July 3rd.

10 CHAIRPERSON TIMMERMAN: Right.

11 SECRETARY STACY: Which we plan on setting
12 up. But we have -- I mean, we could have a meeting
13 there if there's anything that we need to address.

14 MS. LAND: Yeah. I'm going to come on
15 July 3rd with this finalized list.

16 SECRETARY STACY: Okay.

17 CHAIRPERSON TIMMERMAN: Okay.

18 MS. LAND: And, then, if there's anything
19 that you want tweaked or changed, I can do that before
20 your hearing.

21 CHAIRPERSON TIMMERMAN: Okay.

22 SECRETARY STACY: Okay.

23 CHAIRPERSON TIMMERMAN: You're going to set
24 up chairs?

25 MS. LAND: So I am coming on the 3rd, but

1 I'm not setting up chairs.

2 CHAIRPERSON TIMMERMAN: Come on.

3 MS. LAND: No. Huh-uh.

4 CHAIRPERSON TIMMERMAN: Okay. So we can
5 schedule future meetings at that point if we needed
6 to.

7 MS. LAND: Yeah. You may want to not bother
8 with any more meetings until you get the report back
9 from Regional Planning because they have a 20-day
10 window. So, then, there's that 10 days in there
11 before the zoning -- or the trustees have their
12 hearing. Maybe wait and see what zoning --

13 CHAIRPERSON TIMMERMAN: But if we wait, how
14 do we schedule meetings --

15 SECRETARY STACY: Yeah. How do we schedule
16 a meeting --

17 CHAIRPERSON TIMMERMAN: -- if we're not
18 together?

19 SECRETARY STACY: -- if we don't -- I mean,
20 you have to be in a meeting to schedule a meeting,
21 don't you?

22 MS. PARGEON: That's usually the way it
23 works.

24 CHAIRPERSON TIMMERMAN: We have to be in a
25 meeting to discuss the scheduling of a meeting.

1 SECRETARY STACY: There you go.

2 MS. LAND: I think the chairman can schedule
3 a meeting and send notice that there's a meeting
4 scheduled.

5 SECRETARY STACY: Whoa.

6 MS. LAND: You have that power.

7 SECRETARY STACY: You've got the power.

8 CHAIRPERSON TIMMERMAN: Okay. So that is a
9 possibility.

10 SECRETARY STACY: Oaky. I didn't know that.
11 But that's good that we're --

12 CHAIRPERSON SMITH: But you'll have to have
13 time for notification.

14 SECRETARY STACY: A week. We have to have a
15 week notice at least.

16 MS. LAND: You could decide at your hearing
17 that you want to have a -- pick a date then that's
18 like 20 days down the road because you're going to be
19 giving it to Regional Planning and presuming they'll
20 have it back to you in time.

21 CHAIRPERSON TIMMERMAN: I think at the last
22 meeting we said -- when you weren't here we said
23 something about the 24th or something. That's a
24 little bit before.

25 MS. LAND: July 24th?

1 CHAIRPERSON TIMMERMAN: Yeah. It was just
2 an arbitrary date.

3 SECRETARY STACY: Right. So that would be
4 before the trustees have their hearing.

5 CHAIRPERSON TIMMERMAN: It's a Wednesday.

6 SECRETARY STACY: Yeah.

7 MS. LAND: I don't have anything on the
8 date.

9 SECRETARY STACY: Okay.

10 CHAIRPERSON TIMMERMAN: Do we want to just
11 plan that or do you want to reserve that for later?
12 We just don't want to get into a scenario where we
13 need to have a meeting but we don't have time to --

14 SECRETARY STACY: And we can always cancel a
15 meeting, right?

16 CHAIRPERSON TIMMERMAN: Right.

17 SECRETARY STACY: So I personally would feel
18 more comfortable with scheduling a meeting and, then,
19 if we don't need it, we can cancel it.

20 MS. PARGEON: For July 24th?

21 SECRETARY STACY: Yes.

22 MS. LAND: At 5:00?

23 SECRETARY STACY: Sure.

24 MS. PARGEON: Yeah.

25 SECRETARY STACY: So we would need to

1 contact Mark. He's been posting everything.

2 MS. LAND: Do you guys want to address
3 anything in this eAllen thing in the beginning where
4 there are accusations that you guys were behaving
5 inappropriately?

6 MS. PARGEON: What?

7 MS. LAND: In the first couple of pages.

8 SECRETARY STACY: Well, you know, limiting
9 public comment to three minutes, I mean, we want to
10 have as many people as possible if they want to make a
11 statement or ask a question. I mean, I don't want one
12 or two people --

13 CHAIRPERSON TIMMERMAN: To consume the whole
14 thing.

15 SECRETARY STACY: -- to consume the whole
16 time.

17 MS. LAND: Well, three minutes, when you're
18 speaking, is really a pretty long time if you're
19 standing up talking to a group and you're not used to
20 speaking in public. Three minutes, you can get a lot
21 said.

22 SECRETARY STACY: Right.

23 CHAIRPERSON TIMMERMAN: Especially if you're
24 prepared.

25 SECRETARY STACY: Right.

1 MS. LAND: This, "I'm worried about the
2 meeting getting out of hand" I find a little ironic
3 because I was told by one of the legal counsel for
4 One Energy that they contacted the sheriff's office
5 and requested a deputy -- sheriff's deputy at one of
6 your meetings because they were afraid the meetings
7 were going to get out of hand.

8 CHAIRPERSON TIMMERMAN: So they should be
9 thanking us?

10 MS. PARGEON: Oh, my gosh.

11 MS. LAND: That was back at the beginning.

12 MS. PARGEON: Yeah. I remember that when he
13 was here.

14 MS. LAND: Whatever. You can always do
15 that. There's no reason you can't --

16 SECRETARY STACY: Well --

17 MS. LAND: -- but it's just a little bit
18 hypocritical.

19 SECRETARY STACY: -- based on what's
20 happened, you know, we had -- I'm thinking of a
21 particular person who made some comments to the
22 trustees, and I guess kind of to the rest of us as
23 well, that could be construed as violent. And, then,
24 we had an individual come to one of our meetings and
25 make slanderous accusations. So I think we're being

1 prudent and doing our due diligence in having a deputy
2 here for everybody who is here, regardless of whether
3 it's us or whoever is behind One Energy's camera, or
4 what have you. Everyone should be able to be in a
5 safe environment. So I think we're just being prudent
6 and doing what we need to do.

7 MS. LAND: A lot of times at zoning hearings
8 or ditch hearings or assessment hearings for things,
9 people get very volatile. They are very emotional and
10 passionate about what they're talking about which
11 makes people uncomfortable and can also make things
12 get kind of out of hand and we don't want that. I
13 mean, that's the expression.

14 You want to have an orderly meeting and
15 hearing where everybody can see and hear what's going
16 on because you've already been accused of having a
17 meeting that was out of hand and not orderly: you got
18 sued for it. So wanting to keep that in order just
19 doesn't seem wrong to me. But what do I know?

20 SECRETARY STACY: Correct.

21 The July 5th date, we went right down to the
22 wire working. It's not like we sat around with 10
23 possible dates that we could choose from.

24 MS. LAND: I absolutely do not recall in any
25 way you guys discussing having a Friday evening

1 meeting so people wouldn't come.

2 SECRETARY STACY: Right.

3 MS. LAND: I think you guys have bent over
4 backwards working very hard to try to get as many
5 people to this hearing as you can do. I mean, you
6 sent your mailer. You know, you had lots of places
7 for people to come and talk and see this. So I think
8 that's an unfounded accusation. It's also, with the
9 limits, the only time you could have it.

10 SECRETARY STACY: Well, yeah.

11 CHAIRPERSON TIMMERMAN: Right.

12 SECRETARY STACY: We were counting days.

13 MS. LAND: And this was it.

14 SECRETARY STACY: That was it. And,
15 likewise, for the trustees. They have a date.

16 The other comment there, I don't recall
17 that. But, again, maybe that -- I don't know.

18 MS. LAND: If it was said, my guess is it
19 was said in jest, and I don't know that anybody
20 actually discussed it or -- I don't remember it.

21 SECRETARY STACY: That was never -- that was
22 never -- if it was said, it was not a serious
23 consideration obviously.

24 MS. LAND: It's past my bedtime. I would
25 not encourage you to have an 11:00 p.m. meeting.

1 SECRETARY STACY: So usually 6:30, 7:00,
2 7:30. I mean, you get beyond those time frames,
3 I mean, those are the times for -- you have for public
4 meetings.

5 MS. LAND: Uh-huh.

6 MS. PARGEON: So yeah.

7 MS. LAND: You know, being a Friday, it's
8 still a day of the week. It's not that big a deal.
9 I am -- we were told by Judge Routson that we'll have
10 Saturday court if we can't get this worked in for the
11 day he wants to have the hearings on the lawsuits on
12 this. So if the judge can have court on a Saturday,
13 there's nothing wrong with you guys using a Friday. I
14 mean --

15 CHAIRPERSON TIMMERMAN: Right.

16 MS. LAND: -- it's -- there's no rule about
17 that. So -- and I don't believe any of you had some
18 calculated idea that, if we do this on a Friday night,
19 then -- you know, it was never --

20 SECRETARY STACY: Correct.

21 CHAIRPERSON TIMMERMAN: It was the time that
22 worked.

23 MS. PARGEON: Uh-huh.

24 MS. LAND: We have no choice.

25 SECRETARY STACY: I mean, on Page 5, there's

1 just a -- I'm not going to read through each one.
2 But, you know, there was a comment made about that we
3 were rushed and, you know, I feel that we were
4 efficient with our time. We did -- I know I did,
5 I did homework on my own at home reading ahead and
6 trying to prepare and think. And our meetings,
7 I don't know. Did we even have any meetings that it
8 was only two hours? I mean, I didn't track the time.

9 CHAIRPERSON TIMMERMAN: I joked the one time
10 that we were going to get out early and, then, we
11 didn't, as I recall.

12 SECRETARY STACY: Okay. All I know is that
13 the meeting that was on my birthday -- and I remember
14 it was because it was my birthday -- we went four
15 hours and 20 minutes. I'm thinking, Happy Birthday to
16 me. So...

17 MS. LAND: Are you guys all highly
18 concentrated in the southeast corner of the township
19 where you live?

20 SECRETARY STACY: I don't consider that. I
21 mean, Darrin's close to 613. You're over on the very
22 edge.

23 MR. EVANS: I'm southeast.

24 CHAIRPERSON TIMMERMAN: You're southeast?

25 MR. EVANS: Yeah.

1 SECRETARY STACY: You're like --

2 CHAIRPERSON TIMMERMAN: I would say I'm
3 southeast.

4 MS. PARGEON: I'm on 215.

5 SECRETARY STACY: And I'm right beside the
6 state park.

7 MR. EVANS: I'm not sure what that has to --

8 VICE CHAIRPERSON REHUS: That would be
9 northwest.

10 SECRETARY STACY: I mean --

11 MR. EVANS: Yeah.

12 SECRETARY STACY: -- it's not like someone
13 sat with a map and said, Let's pick people only from
14 this area.

15 MS. LAND: No.

16 SECRETARY STACY: Well, and then secret
17 deliberations, text messages. And we are not elected.
18 Of course we're not elected. We're volunteers. We're
19 selected. And that's the process for anywhere. Any
20 township anywhere.

21 MS. LAND: Well, the, "...through secret
22 deliberations and text messages" is trying to put out
23 there their theory on those lawsuits that are just
24 absolutely fabrications to begin with. So...

25 SECRETARY STACY: Right.

1 MS. LAND: People can read that and believe
2 it if they want. I guess mean-minded people will and
3 logical-minded people will not.

4 SECRETARY STACY: Right.

5 MS. LAND: Nothing you can do about that.

6 SECRETARY STACY: Yeah. I don't think
7 really there's anything else there to even waste our
8 time on.

9 MS. PARGEON: No.

10 SECRETARY STACY: At the last meeting, I put
11 together a list of things possibly that we may need to
12 pull together for the hearing and we had a comment
13 from a guest who inquired, if they were to help in
14 some small way with a task that I had on the list, if
15 they would be subject to litigation.

16 MS. LAND: I cannot imagine how. They're
17 volunteering to help at a public meeting. That's --
18 no. I say that and, of course, they can get sued
19 because --

20 CHAIRPERSON TIMMERMAN: You can sue for
21 anything.

22 MS. LAND: -- anybody can sue for anything.
23 No.

24 SECRETARY STACY: So if someone stands there
25 with a clipboard and has people sign in --

1 MS. LAND: There's nothing wrong with that.

2 SECRETARY STACY: There shouldn't be
3 anything wrong with that.

4 MS. LAND: There is nothing wrong with that.

5 SECRETARY STACY: Okay.

6 CHAIRPERSON TIMMERMAN: If somebody brings
7 in audio and video equipment to help out?

8 MS. LAND: Nothing wrong with that.

9 CHAIRPERSON TIMMERMAN: Nothing wrong with
10 that. Okay.

11 SECRETARY STACY: Okay. I actually have a
12 couple things where I have had people agree to do some
13 things. There are some things in process as far as
14 some information coming back. I was asking -- I do --
15 I did count the chairs. I'm not sure we need more.
16 If we do need more, I don't know where we're going to
17 get chairs.

18 CHAIRPERSON TIMMERMAN: Did you have any
19 luck with the capacity?

20 SECRETARY STACY: I -- that's being looked
21 into and I haven't gotten a final answer on that.

22 CHAIRPERSON TIMMERMAN: Okay.

23 SECRETARY STACY: But that was put out
24 there.

25 And, then, the recording of the hearing.

1 Cindy mentioned that what we really needed at the very
2 least is a high-quality audio recording.

3 MS. LAND: Uh-huh.

4 SECRETARY STACY: I personally would like to
5 have more than just one thing being done. I guess
6 I would feel more comfortable maybe if one's audio and
7 one's audiovisual.

8 CHAIRPERSON TIMMERMAN: When I talked to
9 Keith Pottinger, he said he could set up for an audio
10 that would have a speaker for the back room.

11 SECRETARY STACY: Okay.

12 CHAIRPERSON TIMMERMAN: So they could hear
13 what's going on, and that would record. And, then, he
14 said he can set up a video as well to do --

15 SECRETARY STACY: Okay.

16 CHAIRPERSON TIMMERMAN: -- audio and video,
17 so he would have redundancy to --

18 SECRETARY STACY: Okay.

19 CHAIRPERSON TIMMERMAN: -- to protect.

20 SECRETARY STACY: Now, would we need
21 microphones?

22 CHAIRPERSON TIMMERMAN: I think he would
23 supply everything. You're saying, like, each person
24 wearing one?

25 SECRETARY STACY: No, no, no, no. No.

1 CHAIRPERSON TIMMERMAN: Or what?

2 SECRETARY STACY: I would -- I guess I'm
3 thinking maybe one microphone for where we're sitting,
4 and maybe one microphone for the podium. Does that
5 make sense?

6 CHAIRPERSON TIMMERMAN: I think, possibly,
7 yeah. I think that's something he could --

8 SECRETARY STACY: Because, you know, we want
9 everyone to hear. And, obviously, there's going to --
10 if this room is full and if there's a -- hopefully
11 there's a way for sound to go, if we need to use this
12 other area, we want people to hear. And you get a lot
13 of people in and if they kind of are shuffling around
14 and, you know -- I mean, I realize this -- you know,
15 it's not like an auditorium that -- you're going to
16 get some background.

17 CHAIRPERSON TIMMERMAN: We should make a
18 point to get him here on the 3rd --

19 SECRETARY STACY: Yeah.

20 MS. LAND: -- and get everything set up.

21 SECRETARY STACY: Yeah.

22 MS. LAND: Yeah. The recordings that he is
23 doing, though, have to be left with you that night.
24 He can't leave with them.

25 SECRETARY STACY: Oh, really?

1 MS. LAND: Yeah.

2 CHAIRPERSON TIMMERMAN: Okay.

3 MR. EVANS: Now, does a lot of this depend
4 on what the capacity of the building is?

5 CHAIRPERSON TIMMERMAN: At some level.
6 You're saying as far as people?

7 MR. EVANS: How many people are allowed.

8 CHAIRPERSON TIMMERMAN: At some level, sure.
9 You're saying the audio and video recordings
10 need to be left there that night?

11 MS. LAND: Uh-huh.

12 SECRETARY STACY: You're saying me?

13 MS. LAND: The secretary should take them,
14 yes, because they're part of the official record.

15 SECRETARY STACY: And then what? Do I lock
16 them in the office?

17 MS. LAND: I think we will certify them to
18 the township trustees so if they want to look at them,
19 they can. I don't think they will want to. But...
20 Keep them in the office.

21 SECRETARY STACY: Okay. And can all three
22 of the township trustees come to our hearing?

23 MS. LAND: Yes. I wouldn't want them
24 sitting together and conferring, but they could sit
25 around the room. They're fine for that.

1 CHAIRPERSON TIMMERMAN: Okay.

2 SECRETARY STACY: Do we want to do, like, a
3 PowerPoint of any kind? Do we want to use the -- do
4 we -- I'm just throwing this out so that -- if we're
5 going to go in that direction.

6 MS. LAND: I think before you go to that
7 point, you need to determine how you're going to
8 present at the hearing. Are you going to have an
9 opening statement explaining the -- hitting the high
10 points and each of you take one of them? How do you
11 want to do that?

12 CHAIRPERSON TIMMERMAN: I think there should
13 definitely be an opening statement.

14 SECRETARY STACY: Yes.

15 MS. LAND: There's going to be a
16 housekeeping opening statement that you always have to
17 do at a hearing identifying who all the board members
18 are and identifying any of the --

19 SECRETARY STACY: I've got that. Kevin
20 Flanagan is going introduce everyone. He agreed to do
21 that.

22 MS. LAND: I have an agenda you can
23 follow --

24 SECRETARY STACY: Okay.

25 MS. LAND: -- that I can -- that for -- it's

1 not so much an agenda, as a checklist of things that
2 you have to do at your hearing.

3 SECRETARY STACY: Okay.

4 MS. LAND: So you can have that.

5 The housekeeping one has to be more of the
6 explaining if there are rules, which we've discussed
7 that you may want to have. You know, we are
8 requesting that you -- everybody is welcome to speak.
9 That's the number one thing. Everybody is welcome to
10 speak, but we'd like you to limit your remarks to
11 three minutes because, that way, everybody has a
12 chance to speak. You know, if you don't want to
13 speak, you know, you don't have to.

14 SECRETARY STACY: Right.

15 MS. LAND: If you think what you wanted to
16 say has been said by ten other people and you don't
17 want to stand up and say it again, we hear it. We
18 hear it every time it's said, so it's up to you. But
19 just make it clear that everybody has an opportunity
20 to speak.

21 Explain that there is a sign-in sheet that,
22 if they haven't signed in, we would like them to
23 because we should keep track of how many people
24 attended your hearing.

25 SECRETARY STACY: Right. And I have that

1 already addressed. Someone is taking care of that.
2 I even suggested, and it's my understanding, they are
3 going to have -- we're going to have four different
4 people each with a clipboard, and there's going to be,
5 like, maybe a white sheet for maybe just people coming
6 to sit and listen, and, then, maybe a colored paper
7 for people that want to speak so that it's easy to go
8 down the list --

9 MS. LAND: Call their names.

10 SECRETARY STACY: -- to call the names.

11 MS. LAND: Once you get done, if you do it
12 that way, though, once you get done with all of the
13 names on the colored sheet, then hold up the white
14 sheet and say, Anybody who signed in that didn't say
15 they want to speak would like to speak now, --

16 SECRETARY STACY: Sure.

17 MS. LAND: -- we'll add you to the list. So
18 people aren't having to decide before they come in and
19 cutting off their ability to speak. As long as you --
20 and some people, after they've heard a lot of other
21 people talk, will have something to say.

22 SECRETARY STACY: Sure.

23 MS. LAND: Some may not.

24 SECRETARY STACY: Okay.

25 MS. LAND: One of the things that -- the

1 housekeeping stuff is just -- and it seems crazy to
2 have to say it, but just remind everybody that this is
3 a public hearing. Be polite to your -- even if you
4 disagree with what somebody is saying, be polite, wait
5 for your chance to speak, and don't -- you know, don't
6 be disruptive. If you're going to be disruptive, you
7 don't have a right to be in a public hearing and you
8 can be removed.

9 SECRETARY STACY: Right.

10 MS. LAND: Disruptive isn't just talking
11 out. Disruptive is really causing trouble. Let's
12 hope nobody does that. But zoning is something that
13 has -- passions run high, and we've got some
14 misinformation out there that might get people whipped
15 into a lather about something that's a nonissue.

16 CHAIRPERSON TIMMERMAN: You implied that
17 there would be certain topics, or whatever, and that
18 each one of us could take one. What were you
19 hinting -- were you hinting at anything specific with
20 that?

21 MS. LAND: No. No. If there are certain
22 things you want to talk about, you know, there's
23 certain stuff. Or if you just want to explain that,
24 you know, this is a comprehensive zoning book. You
25 know, we spent X amount of time -- I don't remember

1 how much time it was -- putting it together and people
2 have had a chance to --

3 MS. PARGEON: View it.

4 MS. LAND: -- view it for the last 30 days.
5 Is there anybody who would like to make comments, and
6 open it up first? Just reply to the answers. You
7 know, I mean, answer and replies instead of doing a
8 canned speech. It's up to you guys.

9 CHAIRPERSON TIMMERMAN: Okay.

10 MS. LAND: You may want to have different
11 people be experts on different things to answer the
12 questions so one of you doesn't have to do all the
13 talking.

14 CHAIRPERSON TIMMERMAN: Okay.

15 MS. LAND: So by the 3rd, maybe figure out
16 what you want to be an expert on.

17 CHAIRPERSON TIMMERMAN: That's not a bad
18 idea. I looked through. Is there a certain topic
19 that --

20 MS. PARGEON: Uh-huh. Makes sense.

21 CHAIRPERSON TIMMERMAN: -- you're familiar
22 with for whatever reason or whatever. We'll sort it
23 out.

24 SECRETARY STACY: We probably should be
25 figuring that out fairly soon.

1 CHAIRPERSON TIMMERMAN: Yeah.

2 MS. PARGEON: Uh-huh.

3 MS. LAND: It's not just that, you know, if
4 you decide that you're going to be an expert on, you
5 know, Nonconforming Uses, and you're going to be the
6 expert on Wind and Solar, it doesn't mean that all of
7 you can't chime in.

8 CHAIRPERSON TIMMERMAN: Right.

9 MS. LAND: It's just that you would be the
10 first one to answer, and then everybody else can add.
11 You always have the ability for you guys to do more
12 explaining. It just seems like you'll end up doing
13 the looking at each other like, Who is going to
14 answer? which makes people think you don't know what
15 you're doing because you guys all do. It's not -- I'm
16 not worried about any of you not knowing how to answer
17 these questions.

18 CHAIRPERSON TIMMERMAN: Okay.

19 MS. LAND: I feel like a mom sending my kids
20 off to school.

21 MS. PARGEON: All right, Mommy.

22 CHAIRPERSON TIMMERMAN: Anything else?

23 SECRETARY STACY: I guess my question is how
24 are we going to go about determining who is going to
25 do what and -- that's just, you know, because, in my

1 opinion, we need to jump on that immediately.

2 CHAIRPERSON TIMMERMAN: As far as who would
3 be the expert on certain topics?

4 SECRETARY STACY: Yeah. I'm uncomfortable
5 with the word "expert."

6 CHAIRPERSON TIMMERMAN: Whatever.

7 MS. LAND: First responder.

8 CHAIRPERSON TIMMERMAN: There you go.

9 MS. LAND: That implies some sort of triage.
10 But yeah.

11 CHAIRPERSON TIMMERMAN: Is that what you're
12 hinting at is who's covering what topics?

13 SECRETARY STACY: I -- I think we -- I think
14 we need to know that now. We're basically a week
15 away. Instead of -- I don't believe we can really
16 wait till July 3rd to make that determination. That's
17 just my opinion.

18 CHAIRPERSON TIMMERMAN: Do you think we
19 should each take a district or --

20 SECRETARY STACY: We could.

21 CHAIRPERSON TIMMERMAN: -- a group of
22 districts? I think whoever takes Business takes all
23 three Business.

24 SECRETARY STACY: Sure.

25 CHAIRPERSON TIMMERMAN: Whoever takes

1 Industrial takes all -- both Industrial, in my mind.

2 SECRETARY STACY: Okay. So that's one
3 starting point, split by the districts.

4 MS. LAND: What if you split the districts
5 into three?

6 SECRETARY STACY: Into three?

7 MS. LAND: Three separate groups of --

8 SECRETARY STACY: Three groups.

9 MS. LAND: And then have somebody who is --
10 Wind and Solar is going to be an issue that a lot of
11 people will ask about.

12 SECRETARY STACY: Sure.

13 MS. LAND: I think maybe you might be the
14 most well-versed on that because you had the most
15 questions --

16 CHAIRPERSON TIMMERMAN: Okay.

17 MS. LAND: -- and input on --

18 SECRETARY STACY: I'm putting your name
19 there.

20 CHAIRPERSON TIMMERMAN: Great.

21 MS. LAND: And the other thing that is going
22 to be a big issue is Nonconforming Use. You know, and
23 the -- and that's another thing that I kind of --
24 I can't answer some of these questions because that
25 would be giving legal advice which I can't do. But

1 you guys also have to be careful not to answer in a
2 vacuum because a lot of the questions that are asked
3 are going to be, Well, I want to do this. Can I do
4 this? Well, we don't know for sure.

5 This is how it works. This is what the big
6 rule is. Where you fit into it is something that will
7 have to be analyzed later. We can't tell.

8 Because, in my experience, they only tell
9 the parts they think you need to know to get the
10 answer they want. Because if you take time and ask a
11 few more questions, it changes the scope completely.
12 Sort of like that section there that had the dot, dot,
13 dot in the middle. Changed it completely.

14 CHAIRPERSON TIMMERMAN: Right.

15 MS. LAND: So that's something you've got to
16 be careful about giving somebody an, Oh, yeah. You
17 could do that.

18 We don't know for sure. You know, so it's
19 got to be more, This is what the rule is, instead of
20 trying to answer particular questions for particular
21 situations. It's hard not to do that. But if I have
22 a coughing fit, you know I'm thinking that you're
23 talking too much.

24 MS. PARGEON: I'll have to look into that
25 deeper.

1 SECRETARY STACY: I could see another
2 grouping, they are more condensed, they are brief, but
3 I could see you could lump them together. Like,
4 Landfill, the Marijuana, the Adult Entertainment,
5 maybe even the Borrow Pit. I mean, those seem to
6 be --

7 MS. LAND: Ponds and Borrow Pits.

8 SECRETARY STACY: Ponds and -- yeah. Those
9 items seem to be a little more concise, but -- not
10 that they're all related to each other, but they are
11 kind of --

12 CHAIRPERSON TIMMERMAN: Uh-huh. Similar.

13 SECRETARY STACY: Kind of.

14 CHAIRPERSON TIMMERMAN: Yeah.

15 SECRETARY STACY: Okay. So I'm putting that
16 down as a topic.

17 CHAIRPERSON TIMMERMAN: Do you think we need
18 to have -- so this is kind of like -- are we going to
19 do like opening statements on these five topics? Not
20 necessarily.

21 MS. LAND: No. I would just -- you know,
22 when the question comes up about a particular topic,
23 whoever has been assigned that topic will be the first
24 one to offer an answer.

25 CHAIRPERSON TIMMERMAN: Okay.

1 MS. LAND: Then anybody else can, you know,
2 beef it up, add more.

3 SECRETARY STACY: I'd see another topic is
4 just discussing the map.

5 MS. LAND: Yeah.

6 SECRETARY STACY: And, you know, because the
7 question is going to be, How did you determine the
8 placement of the different districts? So I'm putting
9 the map down.

10 MS. LAND: That has been a bit of a question
11 already, people raising issues for, How did you pick
12 this?

13 I saw in something that you guys zoned a
14 very large section of Heavy Industrial over houses.
15 That's where the landfill already is. So it's, like,
16 again --

17 SECRETARY STACY: Well, and it's not --

18 CHAIRPERSON TIMMERMAN: I think what
19 they're --

20 SECRETARY STACY: -- Heavy Industrial, it's
21 General Industrial. We have light, and --

22 MS. LAND: General.

23 SECRETARY STACY: General.

24 MS. LAND: General is Heavy. Some places
25 call it Heavy.

1 SECRETARY STACY: Okay.

2 MS. LAND: It's where you could end up with
3 any of the worst of the worst of things that are hard
4 to be around, like steel mills and smelting plants and
5 landfills.

6 CHAIRPERSON TIMMERMAN: And they're talking
7 about all the houses that are on that same block as
8 the landfill. That's the houses they're speaking of,
9 but they're already there.

10 MS. LAND: They're already there.

11 CHAIRPERSON TIMMERMAN: That's why they just
12 all got lumped together.

13 MS. LAND: Yes. But, again, it seems like
14 you did something really nasty and nefarious and
15 really dumped on some people for no apparent reason,
16 which --

17 CHAIRPERSON TIMMERMAN: It doesn't matter
18 what they get zoned, the landfill is still there next
19 to it.

20 MS. LAND: Exactly. Yeah.

21 SECRETARY STACY: Right. And we all know
22 that our township is a hodgepodge of things because we
23 have not been zoned.

24 MS. LAND: And you can't spot zone, like,
25 take, you know, one little spot here and one little

1 spot there. You know, this is a house, so we'll make
2 it Residential for all these. You can't do that.
3 I mean, it's just not permitted. There's a lot of
4 case law to say that that's not an acceptable manner
5 of zoning.

6 CHAIRPERSON TIMMERMAN: Okay.

7 SECRETARY STACY: Can you think of any other
8 topics? I mean, we can divide by districts.

9 CHAIRPERSON TIMMERMAN: At some level,
10 there's -- I mean, there will be questions, but
11 there's not that many questions on Business and
12 Industrial stuff. You know, it's -- you're dealing
13 with more residents than you are industry.

14 They can be there and any question could
15 happen. But I feel like those are areas that, like,
16 one person could cover a lot of that pretty easily,
17 I feel like.

18 The General Provisions is a section that
19 somebody should probably be pretty versed in, just
20 because you know the district itself, it ultimately
21 always goes back to the General Provisions and
22 Exceptions.

23 SECRETARY STACY: Right.

24 CHAIRPERSON TIMMERMAN: So...

25 MS. LAND: I think the whole Nonconforming

1 Use part of the General Provisions has been pretty
2 well sorted out that I think that, as long as you guys
3 stay very clear on what you have written in there, you
4 shouldn't have any -- it will be the most confusing
5 questions will come about that -- from that because
6 people are confused about it.

7 But I don't think you guys are confused
8 about it so I think you can answer those questions and
9 unmuddy it, if you just stop and think about what
10 they're saying, take your time, and, Okay. Wait a
11 minute. This is -- these are the rules for that.

12 But that's where you're going to get the
13 most, Am I going to be allowed to do this?

14 SECRETARY STACY: Uh-huh.

15 MS. LAND: Wait and see. But these are our
16 rules.

17 CHAIRPERSON TIMMERMAN: Right.

18 MS. LAND: It might be not satisfying, but
19 you just can't spend a hearing solving those problems
20 because we can't ask the questions. And who would
21 want to go through all your personal information about
22 that to get it figured out in front of everybody?
23 They don't think that far ahead. That's not what
24 their thought -- worry is.

25 CHAIRPERSON TIMMERMAN: Sure. Right.

1 SECRETARY STACY: And we are permitted,
2 like, two people can speak to each other?

3 CHAIRPERSON TIMMERMAN: Like you're
4 saying --

5 MS. LAND: You mean before the hearing?

6 SECRETARY STACY: Well, to do -- if we
7 don't -- we have to get everything divided up tonight
8 for our topics?

9 MS. LAND: I would. I wouldn't chat with
10 each other outside of here. That's not a good idea.

11 SECRETARY STACY: Okay. All right. Does
12 anyone want to volunteer for the Nonconforming?

13 MS. LAND: Does anybody else have the urge
14 to (unintelligible).

15 SECRETARY STACY: Does anyone want to talk
16 about the map?

17 CHAIRPERSON TIMMERMAN: Does anybody want to
18 talk about anything?

19 SECRETARY STACY: Yeah. Really.

20 CHAIRPERSON TIMMERMAN: We're all there.
21 We're all going to be in it together.

22 MR. EVANS: Seems like the map would be a --
23 I mean, I would take the map. Seems like that would
24 be a fairly easy one.

25 SECRETARY STACY: Okay. Dave, your name is

1 there. All right.

2 CHAIRPERSON TIMMERMAN: Yeah. These aren't
3 like -- you're not going to have to make a speech on
4 any of those.

5 MS. LAND: It's only if anybody asks
6 questions about them.

7 CHAIRPERSON TIMMERMAN: Right.

8 SECRETARY STACY: So I mean, I would --

9 MS. LAND: The one that I think might be
10 pretty -- a very limited amount that needs to be done
11 is the one that you have in the square there about
12 the --

13 SECRETARY STACY: Landfill.

14 MS. LAND: -- things that aren't permitted
15 anywhere. They'll say, "Why are those not permitted
16 anywhere?" Well, because --

17 SECRETARY STACY: Right.

18 MS. LAND: -- the township already has
19 regulations saying --

20 SECRETARY STACY: Right.

21 MS. LAND: -- they can't be in our township
22 so we didn't put them in zoning: Marijuana, Adult
23 Entertainment.

24 SECRETARY STACY: Right.

25 MS. LAND: And Private Landfills wouldn't be

1 permitted because we have a single-county Solid Waste
2 District.

3 VICE CHAIRPERSON REHUS: I can do that.

4 SECRETARY STACY: You want to do that one?
5 Okay. So I've got --

6 VICE CHAIRPERSON REHUS: Sounds easy.

7 MS. LAND: Okay. I've got to --

8 VICE CHAIRPERSON REHUS: I hate talking.

9 SECRETARY STACY: I have Darrin down for
10 that one.

11 Okay. I've got to pick one, I guess.

12 MS. LAND: Which one would you feel
13 comfortable with?

14 MS. PARGEON: I don't know. I don't like
15 being in front of people.

16 VICE CHAIRPERSON REHUS: I don't either.

17 MS. LAND: You can just play everybody's
18 backup role.

19 CHAIRPERSON TIMMERMAN: Can you do -- can
20 you do --

21 MS. PARGEON: I can do that.

22 VICE CHAIRPERSON REHUS: Why wasn't that
23 offered?

24 MS. PARGEON: I'll be a backup.

25 CHAIRPERSON TIMMERMAN: You've got to be --

1 you've got to understand that one. That takes a lot
2 of thought.

3 SECRETARY STACY: Yeah.

4 CHAIRPERSON TIMMERMAN: Why don't you take
5 that one.

6 SECRETARY STACY: Okay.

7 CHAIRPERSON TIMMERMAN: And then the last
8 one is, like, the General Provisions. Clara, if you
9 can just look through those and just study them and
10 have a good idea of where to find stuff.

11 SECRETARY STACY: Take some notes.

12 CHAIRPERSON TIMMERMAN: Put notes in your
13 book.

14 MS. LAND: People may have questions about
15 signs.

16 SECRETARY STACY: Signs. Okay. Would you
17 like to do signs in addition to the map?

18 MR. EVANS: I can probably do that.

19 SECRETARY STACY: Okay. And here's the
20 thing. You know, we can do our homework on our own,
21 and, then, when we have our meeting on --

22 CHAIRPERSON TIMMERMAN: The 5th.

23 SECRETARY STACY: -- July 3rd, maybe we can
24 even bounce some things off of each other.

25 CHAIRPERSON TIMMERMAN: Yeah.

1 SECRETARY STACY: Does that make sense?

2 MS. PARGEON: That makes sense.

3 CHAIRPERSON TIMMERMAN: Okay.

4 MS. LAND: Maybe the people who come to your
5 meetings can come prepared with some questions that
6 they may need answered. Kind of quiz them.

7 VICE CHAIRPERSON REHUS: What category
8 should I brush up on?

9 MS. LAND: Take the gloves off.

10 SECRETARY STACY: Well, I put down Landfill,
11 Marijuana, Adult Entertainment. You get all the fun
12 thing. Ponds.

13 CHAIRPERSON TIMMERMAN: Borrow Pits.

14 SECRETARY STACY: And Borrow Pits.

15 So if you find those topics in there, you
16 may want to -- this is how I would do it: Get a piece
17 of paper and, first of all, start taking notes and
18 then just --

19 VICE CHAIRPERSON REHUS: Adult --

20 SECRETARY STACY: Adult Entertainment. We
21 basically said there's going to be no Adult
22 Entertainment. The township trustees have a
23 Resolution in place for Adult Entertainment. The
24 Marijuana, the trustees put in place is no commercial
25 growing or retail. So we're just kind of

1 acknowledging that that's in place, so that should
2 be --

3 MS. LAND: The marijuana you may get an
4 issue with because, remember the one gentleman was
5 very concerned about being able to have his personal
6 grow? That's not covered by this, so I think under
7 the new statute that --

8 SECRETARY STACY: I don't think he was at
9 that meeting. I think he missed the entertainment.

10 MS. LAND: For recreational use, you can
11 have --

12 SECRETARY STACY: Six plants.

13 MS. LAND: -- a few plants of your own.

14 SECRETARY STACY: Didn't he say --

15 MS. LAND: I think it's six, but I don't
16 know if that's changed. You can have a few.
17 According to statute, what you want for your personal
18 use, you can grow, but they can't have a commercial
19 grow operation. And the trustees passed a Resolution
20 saying they're not permitted. Since they already
21 prohibited it, there's no point in putting regulations
22 about it because it's just prohibited here.

23 VICE CHAIRPERSON REHUS: I come through
24 Akron this morning and they was talking about it on
25 the radio. There's already 31 --

1 MS. LAND: Applications.

2 VICE CHAIRPERSON REHUS: Yeah.

3 MS. LAND: Uh-huh. Yep.

4 MS. PARGEON: What kind of bugs eat
5 marijuana? Wouldn't that be great if --

6 MS. LAND: Probably pretty goofy ones.

7 MS. PARGEON: Yeah. Right.

8 SECRETARY STACY: The thing with the
9 landfill, I mean we just -- it's a very short
10 statement. No private landfills. There's -- we have
11 the sanitary landfill that is operated by our county
12 commissioners. And it's my understanding and people
13 have told me that it's managed well. But that is --
14 that does take a large portion of our township.

15 MS. LAND: Also there can't be another
16 landfill here because --

17 VICE CHAIRPERSON REHUS: Right.

18 MS. LAND: -- we're a single-county Solid
19 Waste District. There can only be that one landfill.
20 We'd have -- the Solid Waste District would have to be
21 able to say somebody else can come in. We have full
22 control in the landfill, which means all trash picked
23 up in Hancock County must go to our landfill, so there
24 would be no point in having another landfill.

25 VICE CHAIRPERSON REHUS: Right.

1 MS. LAND: They wouldn't allow one.

2 CHAIRPERSON TIMMERMAN: With the stuff
3 you're looking at, you're looking at things that are
4 in the General Provisions section, so Ponds, Borrow
5 Pits, that's Page 52.

6 VICE CHAIRPERSON REHUS: Page 52.

7 CHAIRPERSON TIMMERMAN: The Marijuana, Adult
8 Entertainment, Landfill stuff is Page 53. Still it's
9 General Provisions, so this kind of goes towards you,
10 too.

11 MS. PARGEON: Yeah, I've got that here.

12 VICE CHAIRPERSON REHUS: What page was that?

13 CHAIRPERSON TIMMERMAN: 52 and 53. That's
14 really the two -- kind of know what's going on there,
15 why we did what we did topics.

16 And, then, the Wind and Solar is still
17 General Provisions as well, so that's topics inside of
18 General Provisions that other people are going to be
19 focusing on, too. So...

20 MS. PARGEON: Uh-huh. Right. Go over the
21 whole thing. Yeah.

22 CHAIRPERSON TIMMERMAN: Well -- but
23 that's -- focus on the other things more, like, I'll
24 have Wind and Solar covered. He'll have --

25 MS. PARGEON: Right.

1 CHAIRPERSON TIMMERMAN: -- Borrow Pits
2 covered. If you can cover the other things inside of
3 General Provisions. Keep that in mind that we're all
4 working together on that. Okay. It's already 7:30.

5 SECRETARY STACY: Yeah.

6 CHAIRPERSON TIMMERMAN: Do we want to open
7 up for questions? Anybody have any questions?
8 Comments?

9 Yes.

10 FROM THE FLOOR: I do. And it's going to
11 sound, like, ridiculous, but I have do several. But
12 I'll keep it under three minutes.

13 So on Page 3 of the --

14 CHAIRPERSON TIMMERMAN: The eAllen?

15 FROM THE FLOOR: No, of the real one. It
16 says Pond Definitions. Okay. And what I was
17 reading --

18 MS. LAND: Page 3?

19 SECRETARY STACY: Artificial Ponds?

20 FROM THE FLOOR: Yes. For Artificial Ponds.
21 It's right up at the top.

22 SECRETARY STACY: Okay.

23 FROM THE FLOOR: It says 500 square feet.
24 And, then, it says 6 feet deep.

25 MS. LAND: No less than 6 feet.

1 SECRETARY STACY: No less.

2 MS. PARGEON: Yeah. No less than 6 feet.

3 FROM THE FLOOR: Is that "and," "or"?

4 MS. PARGEON: At its deepest.

5 FROM THE FLOOR: Or is that if it meets
6 either one of those?

7 MS. LAND: It's a both. Because there's not
8 an "and" or an "or" in there, so it's both provisions.

9 FROM THE FLOOR: So if it -- but if it meets
10 either one --

11 MS. LAND: They have to meet both of them.

12 FROM THE FLOOR: And I'll just give you an
13 example because we do ponds where I work. I just had
14 someone in the last two weeks that ordered a pond
15 liner for a 30-foot by 40-foot pond that he was
16 only making 4 feet deep. The entire thing, it was
17 just like a giant splash pool for his grandkids or
18 whatever. So I thought maybe if there was an and/or
19 or something in that that might help. But that is --
20 that just happened.

21 MS. LAND: Right now, the way it's written,
22 it's both. It has to be 500 square feet or more with
23 a depth of no less than 6 feet. So it would have to
24 be at least 6 feet or deeper and 500 square feet.

25 I'm not sure how much of this kind of stuff

1 that you want to fiddle with in making changes for
2 something that's that -- you don't want to completely
3 rewrite everything for the changes and your
4 recommendations. I might leave that one alone for
5 now.

6 FROM THE FLOOR: Okay.

7 MS. LAND: It's up to you guys.

8 CHAIRPERSON TIMMERMAN: I can't imagine
9 that's the majority of ponds that you see.

10 FROM THE FLOOR: There are quite a few,
11 especially with COVID and all the quote, unquote "pool
12 guys" can't get -- they are too busy. A lot of people
13 are doing home-done pools which is, in essence, a
14 pond, that they just scrape out the ground and put a
15 liner in. They put filtration equipment and
16 everything on it. But it's a pond not -- those are
17 not all that deep. We even heard a rumor of a guy
18 that took hay bales and put it around and put tarp
19 over a couple of hay bales so he was only a few feet
20 deep.

21 MS. PARGEON: I don't think it would last
22 very long.

23 FROM THE FLOOR: It's only got to last for
24 the season.

25 MS. PARGEON: Okay. Well, then, it's a

1 temporary thing, not a permanent thing, if it's just
2 for the season.

3 MS. LAND: Don't mess with it.

4 CHAIRPERSON TIMMERMAN: Yeah. I think
5 that's something we'll see if that's an issue later
6 on.

7 FROM THE FLOOR: Okay.

8 SECRETARY STACY: Would that -- so would
9 that possibly be addressed by a variance?

10 TRUSTEE SMITH: That's what I was wondering,
11 a variance. If you could do something like that.

12 MS. LAND: I guess it's something that
13 would -- it would probably not be a variance kind of
14 thing because it's -- they are choosing to do it that
15 way.

16 MS. PARGEON: It's temporary.

17 MS. LAND: If they do dig a pond and they
18 get down 4 feet and hit bedrock, and that's all the
19 farther they can go, then maybe that's a variance
20 issue because they can't go deeper. They can't go
21 6 feet. But if they just choose to only do a 4-foot,
22 then that wouldn't be a variance issue because it's
23 manmade.

24 CHAIRPERSON TIMMERMAN: If it's -- to me
25 it's not even a variance issue. If it's only 4 foot

1 deep, it's not a pond.

2 MS. LAND: Right.

3 CHAIRPERSON TIMMERMAN: Then they don't even
4 need a permit.

5 MS. LAND: Maybe, yeah.

6 FROM THE FLOOR: Which they could put it in
7 the front yard because it's not anything. It's
8 landscaping.

9 CHAIRPERSON TIMMERMAN: Yeah.

10 MS. LAND: Uh-huh. Koi ponds aren't ponds;
11 they're landscaping.

12 CHAIRPERSON TIMMERMAN: Right.

13 FROM THE FLOOR: Right.

14 MS. PARGEON: So you're okay.

15 SECRETARY STACY: All right.

16 MS. LAND: Next. It's 7:30.

17 FROM THE FLOOR: Okay. That took longer
18 than I thought. Okay.

19 In Agricultural, and you may just clarify
20 this for me. In Agricultural, if you -- does home
21 occupations for the Accepted Permitted Uses, does that
22 mean someone living in a home or does that mean
23 somebody doing a job, like, a home business? Like
24 occupation, is that living in or is that, like, a job?

25 CHAIRPERSON TIMMERMAN: Home occupation is

1 inside the house.

2 MS. LAND: By someone who is a --

3 CHAIRPERSON TIMMERMAN: Lives inside.

4 MS. LAND: -- resident of the home.

5 FROM THE FLOOR: Okay. So that's a
6 Permitted Use?

7 SECRETARY STACY: Yeah.

8 FROM THE FLOOR: Where in there -- in an
9 Agricultural District, which most of the thing is
10 white, Ag -- where in there does it say you could
11 build your house or I could build my house, because it
12 says right in here it has to be, "...Single-Family
13 Dwellings accessory to farming operations"?

14 MS. LAND: We fixed that before you came in.

15 CHAIRPERSON TIMMERMAN: We got rid of the
16 accessory part.

17 FROM THE FLOOR: Thank you.

18 MS. LAND: We fixed that before you came in.

19 FROM THE FLOOR: Okay. I was -- sorry. I
20 was working.

21 MS. LAND: Yeah.

22 FROM THE FLOOR: Okay. The 100 percent
23 rebuild rule that you just covered earlier tonight,
24 what happens -- does that have to be the original
25 owner? Or what if their house gets blown away by a

1 tornado and, then, they're, like, I'm out of here.

2 MS. LAND: It's a two-year window.

3 FROM THE FLOOR: So a new owner could do
4 that?

5 SECRETARY STACY: He's talking about the new
6 owner.

7 MS. LAND: They can still. As long as it's
8 the same use. Yeah.

9 FROM THE FLOOR: All right. That's fine.
10 And your junk pile thing, or junk cars, is
11 that new junk piles or is that existing junk piles?

12 SECRETARY STACY: I would --

13 FROM THE FLOOR: Are existing junk piles,
14 quote, "grandfathered in"? As scary as that sounds,
15 but...

16 MS. LAND: Probably grandfathered.

17 SECRETARY STACY: That's --

18 CHAIRPERSON TIMMERMAN: Nobody wanted to say
19 it.

20 SECRETARY STACY: That's kind of my thought.
21 So I would think that would be new junk piles.

22 FROM THE FLOOR: Okay. Because guys aren't
23 going to run around and -- you're not an HOA.

24 CHAIRPERSON TIMMERMAN: No.

25 FROM THE FLOOR: You're not going to be

1 running around and look for nonconformance. Okay.

2 MS. LAND: Not going to go around and see if
3 you've got your grass too long.

4 MS. PARGEON: What? You got rid of the
5 yardstick?

6 CHAIRPERSON TIMMERMAN: Any more?

7 FROM THE FLOOR: No. I just had an
8 observation, but that's not pertinent.

9 CHAIRPERSON TIMMERMAN: Okay. Anybody else?

10 FROM THE FLOOR: I have one question. Is
11 this your final draft, or is there still changes to be
12 made?

13 CHAIRPERSON TIMMERMAN: I would say this is
14 pretty much final draft at this point. There will
15 be -- at the public hearing on the 5th, there are
16 opportunities to make some changes there. But we're
17 basically final draft.

18 FROM THE FLOOR: Okay.

19 SECRETARY STACY: We've talked about some of
20 the modifications, a few --

21 CHAIRPERSON TIMMERMAN: Right.

22 SECRETARY STACY: -- tweaks that we plan.

23 CHAIRPERSON TIMMERMAN: And you came in
24 towards the end; is that correct?

25 FROM THE FLOOR: Yes.

1 CHAIRPERSON TIMMERMAN: Yeah. So we did
2 discuss a few things that we plan on bringing up at
3 the 5th as, you know, things that, based upon
4 feedback, we've been receiving, things we would make
5 changes on.

6 FROM THE FLOOR: Okay.

7 CHAIRPERSON TIMMERMAN: Anything else?

8 FROM THE FLOOR: No. That's what I needed
9 to know right now.

10 CHAIRPERSON TIMMERMAN: Okay. Anybody else?

11 (No response.)

12 CHAIRPERSON TIMMERMAN: Okay. You ready to
13 go home?

14 MS. LAND: Yeah.

15 VICE CHAIRPERSON REHUS: Oh, yeah.

16 SECRETARY STACY: So our next meeting is
17 July 3rd at 5:00. Not only setting up for chairs,
18 what have you, and, then, we can, during that meeting,
19 if we want to review or fine tune --

20 CHAIRPERSON TIMMERMAN: Yeah.

21 SECRETARY STACY: -- what we plan to discuss
22 at the hearing for assignments.

23 CHAIRPERSON TIMMERMAN: Okay.

24 SECRETARY STACY: Okay.

25 MS. PARGEON: Now you're looking for a

1 motion?

2 SECRETARY STACY: I believe we are at that
3 point.

4 MS. PARGEON: I make a motion that we
5 adjourn.

6 SECRETARY STACY: Okay.

7 VICE CHAIRPERSON REHUS: I'll second that.

8 SECRETARY STACY: Okay. Darrin seconded.

9 And everyone in agreement say "Yes."

10 (Vote taken.)

11 SECRETARY STACY: Motion passed. We are
12 adjourned.

13 - - -

14 And, thereupon, the proceedings were
15 concluded at 7:41 p.m.

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