

BAZETTA TOWNSHIP TRUSTEES

PUBLIC HEARING MINUTES

Date: October 11, 2022, 5:00 pm
Bazetta Township Administration Building
3372 State Route 5, N.E.
Cortland, Ohio 44410 .

Present:

Chairman Trustee Michael Hovis Yes
Vice Chairman Trustee Bob McBride Yes
Trustee Michael Morelli Yes
Fiscal Officer Stacy Marling Yes

Chairman Trustee Hovis: called the hearing to order at 5:05PM and opened the hearing with the Pledge of Allegiance and followed with a moment of silence.

Chairman Trustee Hovis read the following:

This public hearing is being held pursuant to Section 519.12 of the Ohio Revised Code for the Purpose of receiving public comment and testimony regarding a proposed amendment to the Zoning Map (zone change) of the Township Zoning Resolution. This Hearing will be video, and audio recorded for informational purposes.

Chairman Trustee Hovis: Secretary Urchek read the Legal Ad: See attachment

Chairman Trustee Hovis: Secretary Urchek read the proposed zone change map amendment
Application: See attachment

Chairman Trustee Hovis: Secretary Urchek read the Letter of Recommendation from the Trumbull
County Planning Commission: See attached

Chairman Trustee Hovis: Secretary Urchek read the Letter of Transmittal from the Zoning
Commission: See attached

Chairman Trustee Hovis: Secretary Urchek read the Recommendation by the Zoning Commission:
See attached

Taking of Testimony

Trustee Chairman Hovis read the following:

Ladies and Gentlemen, the Board of Trustees will now take comments and testimony from the General public regarding the proposed zoning map amendment to the Township Zoning Resolution.

In order to receive Public Comment and testimony in an orderly fashion, the following procedure Will be followed:

- Anyone wishing to offer comment or testimony to the Trustees shall raise their hand and be recognized by the Chairman. Upon being recognized you will please approach the podium, state your name, and address for the record and then present your comments or testimony
- We ask that you keep you keep your comments and testimony concise, to the point and limited to two minutes so that all persons wishing to testify are afforded given the large audience we have this evening
- We will first hear from the Petitioner, then the residents starting with proponents to the zone change first, then we will move on to the opponents last
- At the end, the trustees will afford the petitioner a chance to address any questions or comments
- The board will then go into discussion

Trustee Chairman Hovis: At this time, we will recognize the Petitioner of the proposed zone change.
Does the petitioner have any comments or testimony you wish to offer?
If so, please approach the podium and state your name and address

Notes: The petitioner and legal counsel were absent

Trustee Chairman Hovis: At this time, we will accept comments and testimony from proponents to the zone change. Please raise your hand and you will be recognized by the chairman.
Approach the podium and state your name and address

The Board Heard from the following proponent:

Richard Warzala of 3179 Hoagland Blackstub Road

- Mr. Warzala explained he has been in this building conducting business for eight years. It is not a big business about four or five guys. They meet at the building in the morning and load the truck then meet again at 4:00 O'clock PM. There is no heavy equipment only a tractor and a dump truck. They do not work out of the building they use it for storage to take item to jobs. He has never had a complaint for eight years. He stated he Has commercial utilities. The way the township found out was because he filed for a mailing address. He has made improvements to properties he owns, and he has cleaned up 90% of the mess the church left. He does not understand if it were agricultural, he could have big equipment and it would be fine. He stated he pays taxes.

Notes: None

Trustee Chairman Hovis: At this time, we will accept comments and testimony from opponents to the zone change. Please raise your hand and you will be recognized by the chairman. Approach the podium and state your name and address

The Board heard from the following opponents:

James Elliott of 3150 Bazetta Road

- Their family-built homes there across from the church because it was a residential area. The church was good, it looks nice, and they keep it nice. He feels the church did a wrong by selling it to this gentleman. The residents did not do anything wrong. He does not care that he does business there, but it should not become a Commercial C-3 because if he sells it, it could become anything else

Anthony Caruso of 3234 Hoagland Blackstub Road

- Mr. Caruso submitted copies of his comments to the trustees. This area was never zoning commercial. It was agricultural and the people who built houses had it changed to residential so they could build their houses. If business invests into a land contract into buying a property and they do not understand it is not commercial, it is just bad business and its not our fault. We also invested hundreds of thousands of dollars into our properties as well and we did it the correct way. If it is changed to a C-3 anything can be placed there. The road is not made for trucks and when they were logging the trucks damaged their properties. just because you have been using it as a commercial building and you put commercial wiring in it does not make it a commercial property. If you run a business, you have to do your due diligence.

Patricia Elliott of 3150 Bazetta Road aka Hoagland Blackstub

- She also owns the house next door at 3140 along with her brother George Barnes. It is unprofessional the way this church has been handling this. No one ever mentioned this gentle owning the property and the address is listed differently. Davis Natale stated at the last meeting the land contract was only paid 80%

Joseph Wilson of 3218 Hoagland Blackstub Road

- They built their home there because they did not want to live around a bunch of businesses and its residential. If they zone this to C-3, the church has a couple more lots for sale, what is to keep them from coming back in front of the Zoning Commission and back in front of this body again in a couple years. Now we have president set and they may want to change these to commercial. That is why he is opposed to this

Christopher Hawkins of 3276 Hoagland Blackstub Road

- Its considered spot zoning and its not good for Bazetta Township. You are opening a door that can not be closed. He is up against a commercial property and that is the gamble he took. But these other people did not. The township is not going to gain from turning to commercial

William (Bill) Wykle of 3275 Hoagland Blackstub, Bazetta Road

- Part of his property is commercial and that is where he started lawnmower business. He checked everything out and he had some people try to shut him down. But he was already commercial. Down the road someone tried to start a garage door business and he was shut down immediately. He does not believe it should be commercial

Cheryl Tennant of 1061 Perkins Jones Road

- She was a trustee at the time it was approved for the church. There was no intention by the trustees that this would ever be commercial property.
- She asked who owns the property. Is it the Church at Warren or Brian Kren?

Zoning Inspector Pizzulo

- He is the Attorney of the applicant
- Who owns the property? Inspector Pizzulo replied, the Auditor's website shows David Natale and that is what we go by until it is changed, With David Natale DBA Church at Warren. On the application it lists the attorney's name. As far as the Township is concerned, David Natale and the Church at Warren own it
- If in fact this gentleman is the owner this application is illegal per the Ohio Revised Code at this point, she is not sure who the owner is
- Inspector Pizzulo explained according to the Auditor's website if you do not have a deed and it has not changed hands
- Mr. Wazala advised he has a land contract and its due now and its in the process of being changed

Notes: None

Trustee Chairman Hovis asked if there is any written correspondence to be submitted to the Board?

Secretary Urchek read the two attached letters to the audience opposing the zone change

Trustee Chairman Hovis: At this time, I will entertain discussion and comments from the members of the Board of Trustees. Does anyone have any questions to ask the Petitioner or comments and discussion they would like to make at this time.

Zoning Inspector Pizzulo

- He checked on the Auditor's website and the current listed owner for the property is David Natale, Church at Warren
- The Church does pay taxes
- The Township had no idea Mr. Warzala was conducting business there. Once he made contact with him the township became aware of it. The first thing he did was call Mr. Warsala and Bishop Natale. We set these wheels into motion almost two years ago. Whether no one knows you are there, we cannot let it continue ad it is a non-legal activity for that property to be used as commercial and not residential

Mr. Warzala

- asked Inspector Pizzulo why he is getting charged commercial rate on electric and gas?

Zoning Inspector Pizzulo

- There are two separate codes. One for residential applications and one for Commercial activities where people come and go. All churches have commercial licenses for insurance, and commercial utility rates if it is different from residential. The wiring in that building would be commercial to meet the entity whether they are tax-exempt or non-tax exempt

Mr. Wazala

- He had the County come out and inspect the septic tank and they said its commercial and it had to be inspected before the sale could go through. It is not like he is sneaking around. He stated he has called all the right channels and even had an attorney who passed away

Zoning Inspector Pizzulo

- Advised replied Mr. Warzala should have contacted our previous Zoning Inspector eight years ago, and he would have told you the same thing. They could not even rent the building to you for use as a business. It was meant to be used for church activities. Mr. Warzala's business is a for-profit entity, and we want his business in the Township just not there.
- The county does not enforce zoning laws. That is why they require a zoning permit from us before they will issue a building permit

Trustee McBride

- Everyone was probably under the assumption Mr. Warzala was part of the Church.

Trustee Morelli

- Agrees with Trustee McBride. He does not see any other provisions for any other Use other than that of the Church's use

Note: None

Trustee Chairman Hovis: At this time, I will entertain a motion to ADOPT OR DENY the Recommendation from the Zoning Commission that DENIED the proposed Zone Change Map Amendment.

171-22 Resolution to ADOPT the recommendation from the Zoning Commission that DENIED the proposed Zone Change Map Amendment on Parcel #31-902342 currently zoned R-1 Residential to C-3 Commercial.

Motion: Trustee Morelli

Second: Trustee McBride

Vote: Trustee McBride Yes Trustee Hovis Yes Trustee Morelli Yes

172-22 Resolution to Adjourn the Hearing at 5:49 pm.


Motion: Trustee Morelli

Second: Trustee McBride

Vote: Trustee McBride Yes Trustee Hovis Yes Trustee Morelli Yes


Chairman Trustee Michael J. Hovis

10-25-2022
Date


Vice Chairman Trustee Bob McBride

10-25-2022
Date

Absent
Trustee Michael Morelli

Date