

Zoning Commission Minutes

August 3, 2009
4:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Members present were Ron Hauck, Leo V. Kuntz, Frank Emch, Duane Grundhauser, Russ Hoff, Jay Elkin, Sue Larsen and Joe Frenzel. Also present were States Attorney Tom Henning, Zoning Director Diane Brines and Auditor Alice Schulz.

Jay Elkin made a motion to approve the minutes from the April 6, 2009 meeting. Duane Grundhauser seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing for a request made by Jeff Jarrett to amend the zoning from Agricultural to Residential/Agriculture to move in a modular home on a basement. The parcel of land contains 10 acres and is located in the SE4SW4SW4 of Section 28 Township 139 Range 98. Pat Kuylen spoke on behalf of Mr. Jarrett. The land is owned by Mr. Kuylen and he said all the neighbors were notified and there is no objection. Frank Emch made a motion to recommend to the Stark County Commission to approve the zoning change. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

State's Attorney Tom Henning spoke about two court cases where the district judge reversed the action of the Stark County Commission by reason of the State's Attorney's failure to prepare written findings in the instances of rezoning. Judge Anderson points out that there is pretty clear language in section 9.05 which is the amendment section. We have language relative to notice in section 9.05 (4) (c) which currently says the applicant shall acquire the signatures of the owners of all properties within 200 feet of the property in question indicating their approval of the proposed changes. Mr. Henning suggested the zoning commission discuss a possible language change and make a recommendation to the Stark County Commission.

Senator George Nodland spoke on the zoning ordinance adopted in 1983. George was part of the zoning board at that time and he said he felt it was the intent at that time to mirror the City of Dickinson's zoning ordinance and it was never the intent to have all property owners approve of the changes. George said that if that was the case, 90% of the changes would not be approved. He doesn't think any zoning ordinance in the state would have that kind of code. He also feels that the people elect the commissioners to make those decisions for them.

Joe Frenzel made a motion and Jay Elkin seconded the motion to have the planning & zoning commission recommend to the county commission as Exhibit A that section 9.05 (4) (c) be amended to the following:

In cases where a proposed amendment to the Zoning Ordinance and Map affects a property use, the zoning administrator shall notify all owners of properties within 200 feet of the property in question by personal service or by certified or registered mail, addressed to the owner and mailed to his or her last address as shown on the records of the Stark County Treasurer. The costs of the service shall be borne by the applicant.

Roll call vote. All voted Aye and the motion carried.

Joe Frenzel moved to adjourn. Duane Grundhauser seconded.