

MONTVILLE TOWNSHIP BOARD OF ZONING APPEALS  
JANUARY 3, 2011

**PRESENT**

**VICE CHAIRPERSON, RON TANSKI**  
**BOARD MEMBERS: KRISTINA SINK**  
**ALLEN BIEHL**  
**TERRY HUGHES**  
**DONNA WATKINS**

**ALSO PRESENT**

**Z.I., JUDITH EMRICK**  
**Z.S., ROBIN HALLEEN**

**AGENDA**

**MINUTES:**

1. DECEMBER 6, 2010

**CONDITIONAL RENEWALS (APPROVED - REQUIRE SIGNATURE):**

1. **CONDITIONAL ZONING CERTIFICATE #4 THE LEARNING GARDEN CHILD CARE CENTER**

**APPLICATIONS:**

1. **CONDITIONAL RENEWAL: APPLICATION #07-10-36 ~ CONDITIONAL ZONING CERTIFICATE RENEWAL #3, AMERITECH CELL TOWER, 6641 WADSWORTH ROAD MEDINA, OH 44256 (CONDITIONAL ZONING CERTIFICATE #2 EXPIRED AUGUST 6, 2010) (THIS ITEM WAS TABLED FROM THE DECEMBER 6, 2010 BOARD OF ZONING APPEALS MEETING.)**

**2011 ORGANIZATIONAL ITEMS:**

**ELECT CHAIRPERSON FOR 2011**

**ELECT VICE CHAIRPERSON FOR 2011**

**APPROVE 2011 SUNSHINE REGULATIONS**

**APPROVE 2011 BOARD OF ZONING APPEALS BYLAWS**

**APPROVE 2011 BOARD OF ZONING APPEALS MEETING PROCEDURES**

**PUBLIC HEARING**

Vice Chairperson, Tanski called the January 3, 2011 Board of Zoning Appeals meeting to order at 7:03 p.m.

MONTVILLE TOWNSHIP BOARD OF ZONING APPEALS  
JANUARY 3, 2011

**ROLL CALL:**

**Board Member, Sink: Present**  
**Board Member, Biehl: Present**  
**Board Member, Hughes: Present**  
**Board Member, Watkins: Present**  
**Vice Chairperson, Tanski: Present**

Zoning Inspector, Emrick noted that Board Member, Sink would be re-appointed for a term of five (5) years; Alternate Board Member, Hughes and Alternate Board Member Watkins would each be re-appointed for a term of two (2) years.

Zoning Inspector, Emrick confirmed that all proper notices were sent and all contiguous property owners were notified.

Vice Chairperson, Tanski: "If there is anyone here who wishes to speak on the subject(s) in question tonight, please sign the witness sheet, if you have not already done so. Anyone who wishes to speak will be sworn in before their testimony is heard. The official minutes of the meeting are taped and therefore, it is important that the participating public state their name clearly, prior to testimony. The Board of Zoning Appeals is a quasi-judicial body who bases their decisions on facts and not opinion and therefore, we ask that your testimony be based on fact and not personal opinion. The written/typed transcripts (minutes) are the official documentation of the proceedings."

**MINUTES:**

**1. DECEMBER 6, 2010**

**MOTION: Board Member, Biehl made a motion to approve the December 6, 2010 Board of Zoning Appeals meeting minutes as written.**

**SECOND: Board Member, Sink**

**ROLL CALL:**

**Board Member, Sink: Approve**  
**Board Member, Biehl: Approve**  
**Board Member, Hughes: Abstain (Not Present)**  
**Board Member, Watkins: Abstain (Not Present)**  
**Vice Chairperson, Tanski: Approve**

**Vote 3-0 Approved**

- 1. CONDITIONAL RENEWAL: APPLICATION #07-10-36 ~ CONDITIONAL ZONING CERTIFICATE RENEWAL #3, AMERITECH CELL TOWER, 6641 WADSWORTH ROAD MEDINA, OH 44256 (CONDITIONAL ZONING CERTIFICATE #2 EXPIRED AUGUST 6, 2010) (THIS ITEM WAS TABLED FROM THE DECEMBER 6, 2010 BOARD OF ZONING APPEALS MEETING.)**

Vice Chairperson, Tanski introduced the first item and noted that no one was in the audience representing Ameritech.

MONTVILLE TOWNSHIP BOARD OF ZONING APPEALS  
JANUARY 3, 2011

Zoning Inspector, Emrick was sworn in.

Zoning Inspector, Emrick advised the Board that Ameritech, Township Trustees, the Police Department and the attorneys for both sides had come to agreement and that a contract was drawn up. Zoning Inspector, Emrick noted that the contract was signed by all parties involved except Ameritech and stated that she did not think that it would be an issue.

Vice Chairperson, Tanski questioned what recourse the Township would have in case Ameritech didn't sign the contract.

Zoning Inspector, Emrick stated that if the contract was not signed in a reasonable amount of time, the Conditional can be forwarded to the Prosecutor's Office and the Board could possibly proceed with a revocation process.

Vice Chairperson, Tanski asked who would follow up to make sure the contract was signed.

Zoning Inspector, Emrick stated that she would follow up to make sure the contract was signed and would make sure that the Zoning Office received a copy of the signed contract.

Board Member, Hughes inquired about the monetary value of the contract.

Zoning Inspector, Emrick stated that the rental fee is \$1500.00 per month.

Board Member, Hughes questioned if there were additional charges/changes with the added antennas and repeater box.

Zoning Inspector, Emrick stated that there weren't additional charges. (The added antennas and repeater box was a stipulated agreement in both the old and the new contracts.)

Vice Chairperson, Tanski opened the hearing to the public for comments and/or questions.

No Response.

Vice Chairperson, Tanski closed the meeting to public participation.

Vice Chairperson, Tanski asked for a motion.

**MOTION: Board Member, Sink: I move that Conditional Zoning Certificate #3 for Ameritech Cell Tower, 6641 Wadsworth Road, Medina, Ohio 44256 be approved for a term of three (3) years. Applicable Sections of Zoning Text: 804 (A-G); 805.136; 806 (1-5)**

**SECOND: Board Member, Biehl**

**ROLL CALL:**

**Board Member, Hughes: Approve**  
**Board Member, Sink: Approve**  
**Board Member, Biehl: Approve**  
**Board Member, Watkins: Approve**  
**Vice Chairperson, Tanski: Approve**

**Ameritech Cell Tower Conditional Zoning Certificate Renewal #3 passed by a vote of 5-0.**

MONTVILLE TOWNSHIP BOARD OF ZONING APPEALS  
JANUARY 3, 2011

**2011 ORGANIZATIONAL ITEMS:**

**ELECT CHAIRPERSON FOR 2011**

**MOTION:** Board Member, Sink made a motion to elect Allen Biehl as Chairperson for 2011.

**SECOND:** Board Member, Hughes

**Note:** Vice Chairperson, Tanski made a motion to nominate Sally Albrecht as Chairperson for 2011.

**ROLL CALL:**

Board Member, Watkins: Biehl  
Board Member, Hughes: Biehl  
Board Member, Sink: Biehl  
Board Member, Biehl: Biehl  
Vice Chairperson, Tanski: Albrecht

Vote **4-1** Allen Biehl elected as Chairperson for 2011

**ELECT VICE CHAIRPERSON FOR 2011**

**MOTION:** Board Member, Watkins made a motion to nominate Sally Albrecht as Vice Chairperson for 2011.

**SECOND:** Board Member, Sink

**ROLL CALL:**

Board Member, Sink: Approve  
Board Member, Biehl: Approve  
Board Member, Watkins: Approve  
Board Member, Hughes: Approve  
Vice Chairperson, Tanski: Approve

Vote **5-1** Sally Albrecht elected as Vice Chairperson for 2011.

**APPROVE 2011 SUNSHINE REGULATIONS**

**MOTION:** Board Member, Hughes made a motion to approve the 2011 Sunshine Regulations.

**SECOND:** Board Member, Biehl

**ROLL CALL:**

Board Member, Biehl: Approve  
Board Member, Watkins: Approve  
Board Member, Hughes: Approve

MONTVILLE TOWNSHIP BOARD OF ZONING APPEALS  
JANUARY 3, 2011

Board Member, Sink: Approve  
Vice Chairperson, Tanski: Approve

Vote 5-1 Approved

**APPROVE 2011 BOARD OF ZONING APPEALS BYLAWS**

**MOTION:** Board Member, Watkins made a motion to approve the 2011 Board of Zoning Appeals Bylaws as written.

**SECOND:** Board Member, Sink

**ROLL CALL:**

Board Member, Watkins: Approve  
Board Member, Hughes: Approve  
Board Member, Sink: Approve  
Board Member, Biehl: Approve  
Vice Chairperson, Tanski: Approve

Vote 5-0 - Approved

**APPROVE 2011 BOARD OF ZONING APPEALS MEETING PROCEDURES**

**MOTION:** Board Member, Biehl made a motion to approve the 2011 Board of Zoning Appeals meeting procedures as written.

**SECOND:** Board Member, Hughes

**ROLL CALL:**

Board Member, Hughes: Approve  
Board Member, Sink: Approve  
Board Member, Biehl: Approve  
Board Member, Watkins: Approve  
Vice Chairperson, Tanski: Approve

Vote 5-0 - Approved

---

Vice Chairperson, Tanski asked for a motion for adjournment:

**MOTION:** Board Member, Watkins

**SECOND:** Board Member, Biehl

**ROLL CALL:** A collective oral vote was taken. All Board Members stated Aye . (No Nay votes.)

MONTVILLE TOWNSHIP BOARD OF ZONING APPEALS  
JANUARY 3, 2011

Meeting adjourned at 7:30 p.m.

Respectfully Submitted

Robin Halleen  
Zoning Secretary

Approved:

\_\_\_\_\_  
Chairperson, Allen Biehl

\_\_\_\_\_  
Date