

**RECORD OF PROCEEDINGS**  
**MADISON TOWNSHIP BOARD OF ZONING APPEALS**  
**PUBLIC HEARING & REGULAR MEETING MINUTES**

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Thursday, September 14, 2023  
7:00 p.m. 20

The Madison Township Board of Zoning Appeals Meeting was called to order at 7:10 p.m. by Vice Chairman T. Sill, with the following people present Mr. B. Dubiel, Mr. E. Francis, Ms. L. Diak and Mr. T. Sill. Mr. M. Ungers was present as Zoning Inspector and Mr. C. Bernard was present as Assistant Zoning Inspector. Mr. J. Boyle was absent.

Mr. Sill requested a motion to approve the minutes from August 24, 2023. Mr. Francis presented a motion to approve the minutes from August 24, 2023, seconded by Ms. Diak. With no discussion the minutes were approved:

**“All Ayes” - Minutes approved 4-0.**

Vice Chairman Sill opened variance request #23-005.

Mr. Ungers read the following case summary:

**Submitted by Property Owners:**

**7394 Ross Rd LLC,**

**7411 Ross Road LLC &**

**Ross Rd Properties LLC**

**Represented by: Michael Palubiak**

**Location of Use Variance Request for:**

**7394 Ross Rd. -**

**7411 Ross Rd –**

**7497 Ross Rd –**

**Permanent Parcel #'s (01-A-055-0-00-006-0, 01-A-055-0-00-007-0, 01-A-055-0-00-012-0, 01-A-060-0-00-030-0, 01-A-060-0-00-004-0, 01-A-060-0-00-005-0, 01-A-061-0-00-002-0, 01-A-061-0-00-003-0, 01-A-052-0-00-009-0)**

**Property Zoned A-R, Agricultural Residential**

Mr. Palubiak is seeking a Use Variance to continue the legal nonconforming Use of the multiple dwellings located on the multiple contiguous parcel numbers stated previously.

The Neighbor/Applicant letters were mailed on September 1<sup>st</sup>, 2023 and the Public Hearing was advertised in The News-Herald Legal Section on September 2<sup>nd</sup>, 2023.

The Zoning Office has received no response from neighbors regarding this Variance.

# RECORD OF PROCEEDINGS

## MADISON TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING & REGULAR MEETING MINUTES

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Thursday, September 14, 2023

Held

7:00 p.m.

20

Mr. Ungers swore in all people wishing to address the board. Mr. Ungers invited Mr. Palubiak (7394 Ross Rd) up to the podium to address the board.

Mr. Palubiak stated he was before the board seeking a use variance to continue using his legal non-conforming structures (Cabins). Mr. Palubiak gave a short back ground of the property. He stated that he's been in direct contact with various departments including Madison Township Zoning, Madison Fire District, Ohio Environmental Agency (EPA) and the Lake County General Health District. He stated that he is in full compliance with each of those departments and their regulations. Mr. Sill asked for clarification on how the structures are being used now and how will they be used in the future. Mr. Palubiak stated that all of the structures that they revitalized were all pre-existing structures. Mainly cabins that were used by the boy scouts for overnight stays. Mr. Palubiak stated he wished to continue that use. Mr. Sill asked about the make up of the structures, i.e. are there kitchens and such in each unit. Mr. Palubiak stated that the houses that were houses originally are still houses in the traditional sense but the cabins are mainly 1-bedroom cabins without a kitchen. Mr. Sill asked about the length of a typical rental. Mr. Palubiak they are designed for short term rentals, such as a night or two. Mr. Ungers provided clarification to the variance request. Mr. Ungers stated that it was the position of the Madison Township Zoning Dept to have something in writing to allow Mr. Palubiak the continued use of the cabins and show how it sets itself apart from any other property in the township. Mr. Francis asked if any surrounding neighbors have voiced any concerns. Mr. Ungers stated actually it's opposite. Mr. Palubiak gets along very well with all the surrounding neighbors. Mr. Sill asked if there is any concern about a new owner coming in and changing the length of the rentals. Mr. Ungers deferred to Mr. David Radachy of Lake County Planning and Community Development. Mr. Radachy stated there are ways to make sure that concern is addressed and will explain it to the board when it's his turn to speak. Ms. Diak asked if the farm stand out by the road was selling only items that are grown on the property. Mr. Palubiak stated that all items for sale at the stand are directly from property.

Mr. David Radachy approached the podium introduced himself and handed out to the board the Duncan Factors. The Duncan Factors are a list of criteria a use variance must meet in order to obtain approval. Mr. Radachy went down the list and discussed each Duncan Factor and how it related to this case. At the end, Mr. Radachy stated this property met all of the Duncan Factors and he felt comfortable with the BZA granting approval. The board asked what is the definition of Short-Term Rental. Mr. Radachy stated that there currently isn't a good definition for short-term rental but the state is working on it but he felt that anything under 30 days would be considered a short-term rental. Anything over 30 days would be considered a long-term rental because typically a signed lease is required.

Mr. Bernard asked Mr. Radachy if the board chose to approve the variance tonight would it be sufficient for them to use the term "Short-Term Rental" in the motion to help define the use of under 30 days. Mr. Radachy stated he felt that would be sufficient. Mr. Radachy wanted it to be clear, and in the minutes, that the term Short-Term Rental is not an agritourism use. Rentals are a completely separate issue from agritourism. Ms. Diak asked if they could limit the length of time for each rental, say down to 14 days. Mr. Radachy stated the board could state whatever timeframe they saw fit when making the motion. His initial recommendation of 30 days was only because it fit with state code but the board could vary from that if they chose.

Mr. Sill asked Mr. Palubiak what is the longest length of time he's rented the cabins. Mr. Palubiak stated that 30 days would be more than sufficient for him.

Mr. Sill made the motion to approve the variance with the stipulation of maximum length of stay to be 30 days in accordance with Ohio Revised Code. Mr. Francis seconded the motion to approve the variance with the stipulation of maximum length of stay to be 30 days in accordance with Ohio Revised Code

**All "Ayes." – Variance Request #23-005 Passes 4-0**

**MADISON TOWNSHIP BOARD OF ZONING APPEALS  
PUBLIC HEARING & REGULAR MEETING MINUTES**

**Thursday, September 14, 2023  
7:00 p.m.**

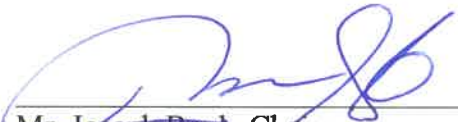
Mr. Sill made a motion to close the public hearing, seconded by Mr. Francis.

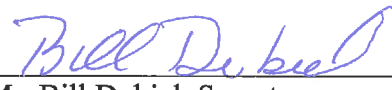
**All "Ayes." – Public Hearing closed at 7:34**

Mr. Ungers stated that he did not have any old or new business.

There being no further business before the Board, a motion to adjourn the meeting was presented by Mr. Sill, seconded by Mr. Francis.

**All "Ayes." – Meeting adjourned at 7:35**

  
\_\_\_\_\_  
Mr. Joseph Boyle Chairman  
Tom Sill

  
\_\_\_\_\_  
Mr. Bill Dubiel, Secretary  
Bill Dubiel

# RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held \_\_\_\_\_ 20 \_\_\_\_\_