

**PLANNING COMMISSION
MEETING**

April 21, 2020

The regular monthly meeting of the Oregon Planning Commission was called to order in the Oregon Municipal Building by Chairman Scott Winckowski. Members present included Mayor Seferian, Yusef Olive, Greg Vriezelaar and Rick Orovitz. Also present were Public Service Director Paul Roman, Commissioner of Building & Zoning James P. Gilmore, Inspector Mark P. Kelly and Secretary Lee Scheanwald.

The meeting was called to order at 5:01 p.m.

The following item was on the agenda:

CUE-173-20 Conditional Use in an **A-1 Agricultural Zoned District** for the purpose of a **family cemetery** on the property described as **Parcel No. 44-93251**. The applicant is **Julie Hillabrand**. The location is **1745 S. Wynn Road**.

Mr. Kelly stated this is an application for a conditional use in an A-1 Agricultural District for the purpose of a family cemetery. It is going to be located behind the house between the house and the pond. It is on a 5-acre parcel.

Mr. Gilmore asked what the Project Review Committee comments were.

Mr. Kelly replied that the committee did not have any opposition to this application. This was pretty common practice in past history

Mr. Gilmore asked if the committee wanted any conditions put on it.

Mr. Kelly responded that the only thing they said is if they did sell the property the remains should be exhumed.

Chairman Winckowski extended condolences to the Mr. Hillabrand and asked Mr. Gilmore if we have done this in the past or if this was something he was able to identify as having been done any time in the past.

Mr. Gilmore stated this is new for us; but Mr. Beazley did the investigation on it and it has been done in the past, but he himself was not aware of it.

Mayor Seferian added that it has been done and when there is agriculture zoning it requires only a conditional use. Other zoned properties would require more permits than this would. So really, especially when the Hillabrand's have said that if they were ever going to vacate the property, they would also vacate the burial, with that in mind he certainly has no objections.

Mr. Sautter added that there is a statutory exception for a family cemetery in the Ohio Revised

Code. It is a practice of tradition. It is not something that is done very readily anymore; but it is still a valid exception in the Ohio Revised Code. Further, the Oregon administrative code allows for cemeteries in A-1 districts by Conditional Use, which is why we are all here. His client has expended a great deal of resources to make this possible. In addition, he has gone through some estate planning processes to make sure that all the intents that are being discussed here are fully carried out. That the property will be cared for, that the grave site will be cared for. They have expended additional funds with the funeral services to make sure it is a smooth process for the maintenance and for the disinterment if that should ever need to be done.

Chairman Winckowski asked if anyone had any additional comments or if any calls or letters had been received regarding this matter.

Mrs. Scheanwald stated she had received one letter from a Samantha Erdmann, a neighbor at 1655 S. Wynn Road stating she and her husband have no problems with whatever they want to do on their property. They believe they have the right to choose what they want.

Mr. Orovitz asked Mr. Sautter what the conditions on the sale of the property are moving forward say 100 years from now.

Mr. Sautter answered that a trust has been set up so the property will be maintained. As long as a Hillabrand family member is willing to live in that property, then they will do so under the condition that they maintain the grave site. If a Hillabrand family member cannot afford to or if there was ever a reason that the house would have to be sold, then wherever the parents were to be buried they have set aside specific funds to disinter those remains to be buried with them. The whole point of this is so the family can stay together.

Mr. Orovitz stated so the intent is not to have this as a family cemetery to be expanded upon years and years down the road.

Mr. Hillabrand replied that this is meant for himself, his wife, his current daughters, and any future children he and his wife will have.

Chairman Winckowski asked if there were any further questions or comments from the Board. There were none.

Chairman Winckowski moved to accept CUE-173-20 with the caveat that any remains that are interred on that property stay with the family if the family leaves the premises. Seconded by Mr. Orovitz. Chairman Winckowski, Mr. Orovitz, Mayor Seferian, Mr. Olive and Mr. Vriezelaar voted yes. CUE-173-20 was passed by a vote of 5-0.

Chairman Winckowski moved to approve the February 18, 2020 regular meeting minutes as submitted and there were no objections.

***** With no other business, the meeting adjourned at 5:22 p.m.

Lee Scheanwald,
Secretary