

# WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS

October 9, 2006 @ 7:30 p.m.

Public Hearing

Application for Use Variance

Submitted by Scott Rhoades for 5722 Greenwich Road

Chairman Michael Schmidt called the meeting to order at 7:30 p.m. Roll call indicated five members of the Board of Zoning Appeals were present: Michael Schmidt, Larry Bensinger, Kevin Daugherty, Robert Gecking and Ron Oiler. Others in attendance included Zoning Commission member Jim Likley and Trustee Jeff Plumer.

## **MINUTES**

Upon motion by Robert Gecking, duly seconded by Larry Bensinger, the September 12, 2006, meeting minutes was unanimously approved.

## **CORRESPONDENCE**

The secretary distributed a copy of the September 22, 2006, memo to Chief Assistant Prosecutor Thorne relative to variances and questions for clarification. No response has been received to date but follow-up calls have been made. As requested by Chairman Schmidt, the secretary distributed copies of meeting minutes from 10/25/04 (Shetterly, 7911 Westfield Landing) and 4/7/05 (Talmon, 8320 Westfield Road) – both related to building a barn before building a house. The secretary was asked to continue to follow-up with the Prosecutor's Office for a response to the 9/22/06 memo and subsequent follow-up might be needed relative to Shetterly and Talmon matters.

The following is a summary of tonight's meeting, which was recorded on audiotape.

## **PUBLIC HEARING – Scott Rhoades**

Chairman Mike Schmidt opened the public hearing in regard to the application submitted by Scott Rhoades. The application is for a variance (from Article II, Section 205 A.) on his property at 5722 Greenwich Road (parcel #041-15D-03-021/020) as he would like to build a barn before a house on this residential property.

The secretary swore in Scott Rhoades. The applicant indicated he wanted to build a barn before building his house and that he is working toward making this property a tree farm. He wants to keep the property wooded. To have a tree farm you need a written plan by a state forester who comes out, checks the property, advises which trees to selectively harvest and what type of trees to plant. The barn (eventually the house) would be built on parcel #041-15D-03-021 but the driveway/back property is deeded on parcel #041-15D-03-020. For a tree farm 10 acres are needed; he has almost 15 acres. He has been working with the Ohio Department of Natural Resources relative to making this a tree farm. In addition, he would be planting trees up front behind the storage facility.

The Board members reviewed the applicant's drawing and maps. Upon questioning, the applicant stated he had no time frame for building the house as finances are a concern since he had recently purchased the second parcel. The applicant stated the barn would be used for storage – chain saw, 4-wheeler, truck, trailer and other items that would be

used in the cultivation and keeping of the tree farm. The width of the driveway was discussed with applicant advising it was at least the 60' width that was required.

Chairman Schmidt indicated that, if the property were to be used as a tree farm, it would be considered an agricultural use. The applicant stated that he didn't know the definition of a tree farm until just recently but that is what he intends to use the property for – a tree farm and eventually his residence. The general consensus of the board was that, if it is agricultural, the applicant would need to apply for an agriculture use exemption and he would not need a variance. The applicant was advised to provide documentation of the tree farm use to the zoning inspector at the time he makes application for an agriculture use exemption.

A motion was made by Kevin Daugherty to deny the variance. Ron Oiler seconded the motion. Roll Call Vote:

|           |                            |
|-----------|----------------------------|
| Bensinger | - yes to deny the variance |
| Daugherty | - yes to deny the variance |
| Gecking   | - yes to deny the variance |
| Oiler     | - yes to deny the variance |
| Schmidt   | - yes to deny the variance |

#### **OTHER BUSINESS/ANNOUNCEMENTS**

Jim Likley advised that the new township website would be up and running soon with a lot more township information available on it.

A temporary Conditional Use Permit was granted to North Coast Premier Soccer Ltd. dated 11/12/05 in which item (9) therein stated “that a review meeting shall be scheduled at the close of the 2006 season to determine if suitable screening meeting township approval has been placed on or near the Hanna property line.” The secretary was instructed to schedule a review meeting for this purpose.

Upon motion by Larry Bensinger and seconded by Kevin Daugherty, it was unanimous that the meeting be adjourned. Adjourned at 8:10 p.m.

Marlene L. Oiler, Certified PP, PLS  
Westfield Township Board of Zoning Appeals Secretary

(Minutes approved 11/6/06)