

**WESTFIELD TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC HEARING  
September 23, 2008  
Grubiss Variance Request**

Chairman Schmidt called the public hearing of the Westfield Township Board of Zoning Appeals to order at 7:30 p.m. All Permanent Board members were present.

**MINUTES**

Mr. Oiler made a motion to approve the Board's August 12, 2008 meeting minutes as amended. It was second by Tom Micklas. It was second by Mr. Daugherty.  
ROLL CALL-Oiler-yes, Daugherty-yes, Micklas-yes, Poe-yes, Schmidt-yes.  
Secretary Ferencz stated she would make those corrections and the Board could sign them at their next meeting accordingly.

**GRUBISS VARIANCE REQUEST (sublots 11E and 12A Westfield Landing)**

Mr. Jeffrey L. Patterson from Slater & Zurz Counselors at Law represented the applicant. Chairman Schmidt read a letter from Secretary Ferencz which stated, "At 10:45 a.m. today September 23, 2008 I received a call from Mr. Jeff Patterson an attorney from Slater & Zurz. He stated he had just taken over the Grubiss file. He said they were going to request a continuance from the Board this evening or withdraw their application. I told him in either case a new fee would be charged per the Zoning Fee Scheduled Revised February 18 2008 which states:

Zoning Variances

Area \$250.00

Additional Meetings Required by the Application \$200.00

If any of the above hearings or meetings require a continuance, an additional fee will be charged of the applicant. The Zoning Secretary/Fiscal Officer shall collect \$200.00 from the applicant prior to scheduling any additional hearings or meetings. This additional meeting fee is designed to offset the Township cost of the applicable Zoning Board and Zoning Secretary. Additional fees include but are not limited to revised site plan review, Public Hearing(s) and continued or rescheduled meetings.

Please note this information will need to be conveyed to the applicant for the record with the amount due.

Mr. Patterson stated that he represented John and Joe Grubiss who are co-trustees of the Grubiss Family Trust. It is our intention to withdraw the two area variance requests before the Board this evening. Chair Schmidt stated that was so noted for the record and told Mr. Patterson that if they submit at a future date a new application fee would be charged.

**NEW BUSINESS**

Mr. Gary Sills and Mr. Al Devaul of Chippewa Partners addressed the Board. Mr. Sills stated they have entered into an agreement to purchase Westfield Terrace or Westfield Lakes as it is also been referred to. This is the modular home development started on Lake Rd. across from the old Chippewa Lake Park. Their proposed use of the property is for luxury senior housing. (Mr. Sills passed out preliminary drawings to the Board members). One plan shows a three-story building with underground parking and the other a two-story building with parking underneath.

Mr. Devaul stated the proposed project would be similar to Hyatt Corporation's classic residences. This would consist of highly upscale senior housing with independent living, assisted living, and potentially advanced care. Mr. Devaul stated they recently announced a management agreement with the Health and Wellness Center and Akron General for their Chippewa property. This housing development would encompass social activities, i.e. 6-hole golf course and a customized meal plan for the exclusivity of the residents. The goal of this development is to provide a level of care for those who are currently healthy but with the advancement of age, may need additional or increased care in the future. The difference with this concept is to provide a living environment similar to a 4 star hotel as opposed to a nursing home. Mr. Devaul emphasized that this is not a nursing home by any means but designed to meet the social and physical needs of an aging public over time. Mr. Devaul interjected that the facade and building materials of this project would be the same as their project in Chippewa Lake as well as the landscaping which would also be an extension of that project. Mr. Sills stated for the record that the proposed golf course and restaurant would not be commercial operations; they would just be amenities for the use of the residents of the facility and their guests.

Mr. Sills asked about the 35 ft. height limit of buildings in the Township and added that was the reason for the two concept plans before the Board, one showing a permitted height of the buildings and one showing a three-story building. Mr. Sills asked if this would be a conditional use in the Township or would they have to ask for a variance or rezoning of the property?

Chair Schmidt stated the property in question is zoned Suburban Residential. Trustee Likley asked about the configuration of the homes. Mr. Sills responded they will be individual lots but it has not been decided if they would be detached or attached units. Mr. Devaul interjected they would probably be cluster units with at least two units. Trustee Likley stated they would have to look at the lot sizes to determine if it would be a PUD which, it sounded like it would. Chair Schmidt stated this project would be considered a conditional use per the Zoning Resolution.

Chair Schmidt asked where they were at with the project in Chippewa Lake. Mr. Sills stated tomorrow they would be submitting their concept plan to the County. He added they are looking to start clearing after the first of the year and break ground on buildings in late spring. The proposed project in Westfield can take place simultaneously and

would probably begin as a rental or lease opportunity for potential residents due to the residential market at this time. This would then give the option for an individual to purchase their unit over time. The development would be built in phases. The first phase would be the assisted living which would have the kitchen and restaurant and some of the basic social facilities. The first occupied would probably be the single family or cluster units whatever they end up choosing to build.

Mr. Poe asked about the price range of the single-family homes. Mr. Devaul stated in the range of \$250,000-\$300,000. The key to success is the range of products that would be offered. This will be a luxury housing development. It will be all about lifestyle. It will be high-end quality retirement housing development with the emphasis on the quality of life.

Mr. Daugherty asked about the range of services that would be offered in this development. Mr. Devaul stated full nursing and potentially Alzheimer's patients. That is why they needed Akron General's partnership. These services would be offered at a price but the fact that they can be offered allows the potential resident to have the opportunity to belong to a complete life-changing, life style community. The closest development to this concept is Sunrise properties in Columbus and Cleveland.

Mr. Devaul stated they hoped to do a benefit for the schools possibly at the Oaks Lodge where they would hold an open house so the public could see the proposed project. They were planning on taking some of the rails off the old roller coasters and cut them up into business card sizes and sell them for \$25.00 apiece as a memento of the park and all the monies will go to the Booster Club of the school.

Mr. Sills asked how they were to proceed with making an application to the Township. Chair Schmidt told the two gentlemen speak with ZI Harris as well as to purchase a zoning book to make an application and move forward with the proposed project.

**MISC.**

Chair Schmidt stated he would like to talk about the responsibilities of the Zoning Secretary and Board members. He stated that in the Boards by-laws it states that "the Secretary shall keep all records and shall conduct all correspondence of the Board and supervise all clerical work of the Board." He added that he took that to mean that the Secretary i.e. the case of the Grubiss variance shall gather any information needed.

Mr. Daugherty stated that it appeared that the gathering of public documents is handled another way. The Board has always operated that if we need information it was handled through the secretary. Chair Schmidt stated that it would be better to have all information go through the Secretary so there was not a duplication of documents or a lack of documents because no one knows who is handling or distributing what. Trustee Likley stated he agreed that the Secretary can gather and distribute information but should not be The Board member's researcher or agent. If there is information at the Township, the Secretary should be able to gather and distribute that accordingly. If there is information

outside of the Township needed or requested it should be up to the Board member to obtain that information or contact. Chair Schmidt stated that if the Board would request the Secretary to contact the Dept. of Planning Services or the Pros. Office she should be able to do so. Trustee Likley stated that would be most efficient than each Board member calling those agencies. Mr. Daugherty asked if such a request from the Board would have to be made at a public meeting or could it just be a function of the role of Secretary to be contacted accordingly. Trustee Likley stated that was a good question and from a practical standpoint it should be funneled through the Secretary but that would be a question to ask Bill Thorne.

Trustee Sims stated that typically at the training courses she has been to, the Board members are responsible for their own fact finding. The zoning secretary's role can be expanded per the Board's request and Trustees authority. However, with that said the Secretary should be able to access all the records at the Townhall and not have information chosen for her as to what should be available to the Board members. That is why we have hired Kim Ferencz to be an administrative assistant with regular business hours so if someone wants to access records they can do so accordingly. Case in point being the Grubiss file. It is incomplete. The Fiscal Officer maintains her own file and those documents should be part of the complete zoning file on record. Right now there are records that are maintained by the Fiscal Officer that are not available to Kim as Zoning Secretary or Administrative Assistant.

Chair Schmidt stated that under the ORC it states that "The BZA, within the limits of the money appropriated by the Board of Township Trustees for the purpose of employing such executive professional, technical or other assistance as considered necessary..." Kim is not costing us anything she is already employed by the Township. To me this is saying she can obtain this information for the Board. Trustee Sims stated that would be a question for Bill Thorne, that the Secretary can perform the functions as stated in the Board's By-laws and her job description for the Township and what she is being paid to do currently. Trustee Sims continued that the Board could ask Kim to request the attendance of the Zoning Inspector or the County Engineer or obtain all the records/files on a particular case at the Board's direction. Again Mr. Daugherty asked if that had to be done at a public meeting. Trustee Sims stated some of this was common sense but given the current environment should be confirmed with the Pros. Office. Trustee Sims stated she has requested of the Pros. a training session on public records. This usually takes place at the Pros. Office where the board members can be in a casual setting for dialogue. Chair Schmidt asked if Mr. Thorne could come to the Township and do a combined work session with both Zoning Boards. Trustee Sims stated that Mr. Thorne was going to get back to her on a training session but has not as of yet. Mr. Daugherty suggested that all documentation requests be funneled through the Chair who can then forward them to the Secretary. It would possibly lead to more continuity and a quick response time.

Trustee Sims also suggested a meeting policy for the Board regarding such items as when to call a meeting, how to call a meeting, how and when to notify the public, what to do in

the event a meeting is canceled etc. Also it should address how the Board notifies an applicant if there is not a full Board to hear a request. In other Townships if a full Board is not present, the applicant is offered to be heard by a full Board at a later date or to move forward with the number of Board members that will be sitting that evening and being informed that if the applicant proceeds with the vote of that Board it is final and or a vote of 2 to 2 is considered a denial of their request.

Fiscal Officer Evans addressed the Board. She stated she has made herself available to anyone's request in the past and will continue to do so. She added that if there is a record request, Kim puts it in her box and she fills it that day or the next depending on the involvement of the request. The policy is that we can have up to 3 days to fill a public records request but if it will take longer she will let the individual know that within that 3 day time-frame. Fiscal Officer Evans stated that she and Kim Ferencz have a good working relationship. Kim had the whole record of the file after Trustee Sims notified me Monday morning that she wanted Trustee minutes pertinent to the Grubiss request for the zoning file. Fiscal Officer Evans stated the copies were made and Kim distributed them to you this evening accordingly.

Fiscal Officer Evans continued that Kim has access to every zoning record and Township record that is in the fire safe room. The only thing she does not have access to are the records that have not been audited. The Fiscal Officer is responsible for those records. I am not going to take those records and put them in the central office area for anyone to be able to take them from the Townhall. If they want the records they are to be given a copy if requested. I would not want to hold anyone responsible except for the Fiscal Officer who is officially responsible for the records. To have to immediately fulfill a public records request is unfair and not practicable. Fiscal Officer Evans went on to say that all of the Trustee minutes from 2006 to August 4, 2008 are on the website. Minutes from the Trustees go back to the 1800's and they are in the fire proof safe. Kim has the authority to complete all public record requests for zoning but she would complete any fiscal public record requests. If you make a request of Kim for fiscal records she would make a copy of those available to her. Fiscal Officer Evans stated that she believed things would be a lot better now and Kim and I can work together. I wanted this said in public forum. I am available and Kim is available to fulfill any requests that come before the Township. I believe most of you have known me for a long time and know I will cooperate with requests but you can also appreciate as the official records keeper I will keep the records that have not been audited in my office. The Trustees have set forth a Resolution for an open public records policy that is posted at the Townhall. Anything you do as board members is a public record even though you were not elected but because you are appointed by the elected officials of the Township. Lastly, if you don't want to say something to somebody's face don't write it in an e-mail, as it is a public document. We all work for the Township. Let's try to do our very best.

Chair Schmidt asked what Fiscal Officer Evans meant by audited records? Fiscal Officer stated that any of the Trustees minutes from 2007-2008 are in her office as they have yet to be audited. Any of the zoning records are available to the zoning secretary in the



fireproof room. Trustee Sims stated the problem is that the zoning records are incomplete. They were filed according to last names instead of addresses. Kim has taken over the project to organize and restructure the files and the Township is grateful for that. When Ms. Evans came back as Fiscal Officer she began the organization of the zoning records and now Kim has taken over. The issue is what is available to Kim in not the complete, accurate record. There are letters from the Pros. Office that are not in the file. Those are only in Ms. Evan's possession. Ms. Evans interjected that if the Board requests records from Kim and Kim asks her for the records then Kim will have a complete set of documents for the file. Regarding the Grubiss request, it was never a zoning issue so there was never a file so where would you put the information? Therefore she kept it with the Trustees documents.

Mr. Daugherty asked what records Martha has. Ms. Evans replied, just the fiscal records. The Auditor does not audit the BZA or Zoning Commission minutes so those are bound in the zoning office or archived in the fireproof room. All Zoning Commission, BZA, and Trustee minutes once approved are on the web. There are parts of 2004 and 2005 Zoning and Trustee meeting minutes that are not complete are on the web. If a Board member would like to look at meeting minutes you can call Kim during the day or herself in the evening and the request would be accommodated.

Trustee Sims stated she felt that all correspondence that comes to the Trustees that is relevant to zoning should be copied and given to Kim as the Administrative Assistant and Zoning Secretary to have a complete file. A case in point is that the Pros. Office letters on the Grubiss property were with Martha and could have already been part of the file and distributed to the Board members per their request. Ms. Evans responded there was no address so how could it be filed? The Board then entered into a discussion of a color-coded filing system for accuracy and the construction of data base for information storage. Trustee Sims stated complete subdivision files should be had for the zoning office.

Secretary Ferencz stated she made copies of pertinent documents for the Board and made a complete file of the Fiscal Officer records for the zoning file. The Board then entered into a discussion of a color-coded filing system for accuracy, scanning of documents in lieu of or in conjunction with an electronic copy, a public access computer and the construction of data base for information storage and accessibility. Lee Evans reminded the Board that whatever media documents are in there must be the equipment available to be able to read and access the information.

Trustee Likley also stated that changes can be made to the zoning applications if the Board feels clarifications should be made or more information added to the application.

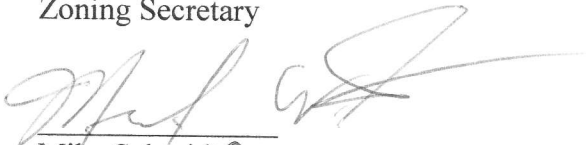
MISC.

Secretary Ferencz handed out new flood plain maps to the Board members, a new Township Roster and the information/registration of the Ohio Planning Conference to be held on November 14, 2008 in Westlake.

Having no further business before the Board, Mr. Oiler made a motion to adjourn the meeting. It was second by Mr. Poe. All members were in favor. The meeting was officially adjourned at 8:55 p.m.

Respectfully Submitted

Kim Ferencz  
Zoning Secretary



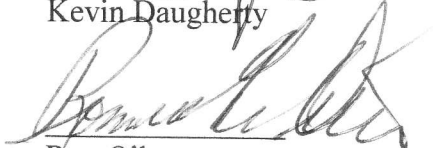
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Mike Schmidt



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Kevin Daugherty



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Ron Oiler



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Tom Micklas

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Jack Poe