

**WESTFIELD TOWNSHIP
BOARD OF ZONING APPEALS
ORGANIZATIONAL MEETING
JANUARY 26, 2010**

ORGANIZATIONAL MEETING

Secretary Ferencz called the organizational meeting of the Westfield Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members Daugherty, Micklas, LeMar, Simmerer and Schmidt were present. Alternate Board member Dwayne Kramer was also in attendance as well as Ron Oiler and Gary Harris.

Election of Officers

Secretary Ferencz called for nominations for Chairman.

Mr. Daugherty made a motion to nominate Mr. Michael Schmidt as Chairman of the BZA for the calendar year 2010. It was second by Mr. Micklas. The nominations were closed.

ROLL CALL-Daugherty-yes, Micklas-yes, Simmerer-yes, LeMar-yes, Schmidt-yes.

Chairman Schmidt called for nominations for Vice Chairman.

Mr. Micklas made a motion to nominate Mr. Kevin Daugherty as Vice Chairman of the BZA for the calendar year 2010. It was second by Mr. Simmerer. The nominations were closed.

ROLL CALL- Micklas-yes, Simmerer-yes, LeMar-yes, Daugherty-abstain, Schmidt-yes.

Board of Appeals Liaison

Mr. Micklas stated he would like to remain as the BZA liaison to the Zoning Inspector.

Mr. Simmerer made a motion to nominate Mr. Micklas the Board of Zoning Appeals liaison to the Zoning Inspector. It was second by Mr. Schmidt. The nominations were closed.

ROLL CALL-Simmerer-yes, Schmidt-yes, Daugherty-yes, LeMar-yes, Micklas-abstain.

MISC.

Chair Schmidt asked about the webinars that have been put on by the Dept. of Planning Services. He asked how one would be able to view the webinars on one's own personal computer and would the Board members be compensated for doing such? Mr. Micklas asked how it would be verified that a Board member viewed the webinar? Mr. Oiler stated that one had to physically attend the webinar at the Dept. of Planning Services. Mr. Schmidt asked if there was a link that one could go on to view the material at one's own leisure? He also asked why watching a webinar would be any different than if a Board member attends a zoning workshop?

Secretary Ferencz stated that the webinars tended to take place during the workday, which has proven to be an obstacle for most board members to attend. She added she was

informed by another Township she works for that they were looking into getting copies of the webinars or a PowerPoint presentation of the webinars, so the zoning boards could potentially view a webinar at their regular meeting when there was a light agenda for the evening. She added she would follow up with that Township as well as confirm that the Dept. of Planning Services has all the zoning board member's e-mail addresses.

RULES OF PROCEDURE

The Board then discussed their Rules of Procedures as adopted July 2009.

The following changes were proposed:

Emergency Meeting

“Emergency meetings of the Board will be held at the call of any three members of the Board or the Chairperson.”

Correct numbering would also be addressed. Secretary Ferencz stated she would type the changes and the Board could review the document again before it was formally adopted in case there were any other changes to be made.

There was then discussion as to when the decision of the Board of Zoning Appeals is final. Secretary Ferencz stated there are two general thoughts on this 1. The decision is final the day it is made by the Board and 2. The decision of the Board is not final until the minutes are approved and signed.

Secretary Ferencz continued that she did draft a form entitled “Notice of Board Action” and sent it to the Prosecutor's Office for Mr. Thorne to review but has not received confirmation. Secretary Ferencz added in another Township she worked for, the BZA's voting procedure is a written motion and the written vote of each individual Board member with their signature on their written vote.

Secretary Ferencz continued that this procedure has worked well and has been confirmed by Mr. Thorne. Mr. Micklas suggested that the vote of the Board possibly be written into the Rules of Procedures. Mr. Daugherty asked how is the written vote different than the official notice of Board action? Secretary Ferencz stated because it would take time to write out all the information on the notice of board action which then had the potential for an error to be made. If the Board writes out their motion and the reasons for their vote and signs it, those documents can be the voting record and it would be final that evening. Mr. Daugherty stated it seemed complicated and cumbersome. Secretary Ferencz stated actually a formal written procedure runs very smoothly. Mr. Simmerer stated that a written vote of each member would actually document that each member considered the factors that apply to an area variance or the standards for a use variance, etc. and would make the final decision less challengeable. Mr. Micklas stated if this would finalize the process as to the vote of the Board, then he was in agreement with adopting a written

procedure. Mrs. LeMar stated the written vote seemed like it would better serve the public as well because the vote of the Board is known and official that evening and then the appeals process could begin if the applicant chooses to do so.

Secretary Ferencz stated she could prepare "cheat sheets" so to speak for the Board members such as the list of Duncan Factors for an area variance and the standard of unnecessary hardship for a use variance so if the members decide to do a written vote they can use it for reference.

Mr. Daugherty stated because the meeting minutes are the official record he would like his reasons for his vote to be supported by the meeting minutes and not him writing his reasons for his vote. He added he did not want to write down all his reasons for his vote. Secretary Ferencz stated there were many times the members of the Board voted just yes or no with no reasons stating why one voted the way they did.

Chair Schmidt asked that an example be e-mailed to the Board members and Mr. Thorne's opinion on the written vote and/or official notice of board action. Secretary Ferencz stated she would get an opinion from Mr. Thorne as to the best way to proceed on this issue and would ask if the voting procedure should be part of the Board's rules of procedures.

Approval of October 29, 2009 meeting minutes

It was discovered during the approval process of these minutes that the Duncan Factors were referenced in the Zoning Resolution not only for an area variance but for a use variance as well. Mr. Daugherty stated that was an issue and asked that Secretary Ferencz bring Section 907 C to the Zoning Commission's attention for potential action.

Mr. Micklas made a motion to approve the Board's October 29, 2009 meeting minutes as amended. It was seconded by Mr. Simmerer.
ROLL CALL-Micklas-yes, Simmerer-yes, Daugherty-yes, LeMar-yes, Schmidt-yes.

Approval of December 14, 2009 meeting minutes

Mr. Simmerer made a motion to approve the Board's December 14, 2009 meeting minutes as amended. It was seconded by Mr. Micklas.
ROLL CALL-Simmerer-yes, Micklas-yes, Daugherty-yes, LeMar-yes, Schmidt-yes.

Zoning Inspector Report

Trustee/Interim Zoning Inspector Gary Harris addressed the Board. He began by stating that North Coast soccer had their conditional use coming up for review by the Board this year at the end of the season. Mr. Micklas stated he believed the date was October 31st. Chair Schmidt stated that North Coast Soccer was to submit a whole new site plan. Mr. Harris stated that was correct. Chair Schmidt stated he remembered there was confusion as to what board was to do the site plan review because the front of the property is zoned Local Commercial and the rear of the property is zoned Rural Residential. Mr. Micklas

interjected that he remembered a site plan he looked at this summer that was for the rear of the property.

Mr. Harris stated there was a site plan submitted by North coast Soccer that Assistant Zoning Inspector Lee Evans reviewed and made notes on. Secretary Ferencz stated a site plan was received this summer by Mr. Harris from North coast Soccer. She added that she and Mr. Evans preliminarily reviewed the site plan and made notes. The notes and site plan drawing were returned to Mr. Harris to give to the owner of North coast Soccer, Mr. Carrasco. Secretary Ferencz stated that was the last she saw or heard of the site plan. Mr. Harris stated he did not have a copy of the site plan but did call Mr. Evans to see if he did but did not receive a return phone call from him as of yet but he would follow up with Mr. Evans.

Mr. Micklas stated there should have been a copy of the site plan attached to the notes. Secretary Ferencz stated she and Mr. Evans received only one copy and returned it back to Mr. Carrasco as it was unknown if he would revise and/or formally submit a site plan. Also, the Township did not have the equipment to make a copy of a site plan of the size submitted. Mr. Micklas stated a copy of the site plan should be taken somewhere to be made. Secretary Ferencz responded that could be done but felt that burden of proof is on the applicant and Mr. Carrasco should have provided copies or if the Township is going to have to go out and have copies made to have the cost reimbursed by the applicant. She added the issue is that this was a preliminary plan and it was unknown if he was going to proceed with the site plan submitted, revise it or not submit at all. Again Mr. Harris stated he would follow up with Mr. Evans.

Regarding the Cloverleaf School sign variance request the Board heard in September 2009, Mr. Harris stated he has not heard anything from the school regarding this item. Mr. Micklas asked because this variance was denied, was there a time-frame for the school to come back and ask for a motion of consideration? Secretary Ferencz stated if the circumstances substantially change the school could come back at anytime to ask for reconsideration. Also the standard the Board was to consider was not the variance standards but the standard of public interest of one governmental entity versus the enforcement of the zoning code of another governmental entity, so she did not believe a deadline was applicable.

Chair Schmidt asked about Ruhlin and their conditional permit for the staging areas they used for the interstate improvement project. He added it was stated that Ruhlin is a year ahead a schedule for completion. Mr. Harris stated he thought that Ruhlin still had some landscaping to complete and some paving that still needed to be finished as well. Chair Schmidt asked if Mr. Harris could follow up on this item as well.

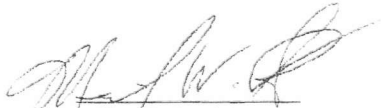
Announcements

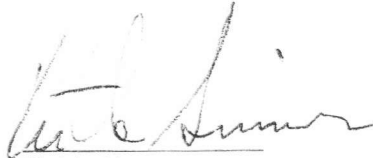
Basics of Zoning Workshop-January 28, 2010 6:30-8:30 p.m. at the Medina District Library.


Secretary Ferencz handed out the 2010 Zoning Workshop and Webinar Schedule of the Dept. of Planning Services.

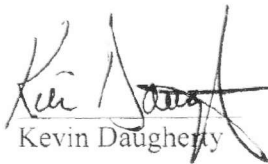
Having no further business before the Board, Mr. Micklas made a motion to adjourn the meeting. It was second by Mr. Simmerer. All Board members were in favor. The meeting was officially adjourned at 8:30 p.m.


Respectfully Submitted,
Kim Ferencz
Zoning Secretary



Mike Schmidt

Keith Simmerer

Kathleen LeMar

Kevin Daugherty

Tom Micklas