

Westfield Township Board of Zoning Appeals

Public Hearing - May 16, 2012 -7:30 pm

Attendance

The meeting was called to order at 7:30 pm by Vice-Chairman, Kevin Daugherty. Members in attendance were: Kevin Daugherty, Wayne Moore, Patricia Kwas, Kathleen Lemar and Michael Schmidt. Mr. Schmidt recued himself from sitting on the board this evening due to a conflict with his being on the school board and the applicant's home sitting across from the school. The school was notified of the request via mail from the board on behalf of the property owners, Mr. & Mrs. Daniel Marrone, 8452 Friendsville Road, Seville, Ohio 44273. Mr. Daugherty advised the applicant is applying for a 45' variance, as per section 303D, to replace the front porch which was torn down; therefore taking the house back to the original look and providing egress to the front of the house. Guests in attendance: Ron Oiler and Daniel Marrone. Board member not in attendance: Lee Evans.

Mr. Daniel Marrone was sworn in, providing his address of 8452 Friendsville Road, Seville, Ohio. Mr. Marrone advised they have owned the home for 13 years and the front porch was torn off prior to his purchasing the home. The house is more than 100 years old and they would like to take the house back to the original look and provide access to the front door. When the house was purchased the porch was already torn off and the front door just had a sharp set of steps. Mr. Marrone is showing 25 ft. off of the r-o-w which needs to be 70 ft., therefore a 45 ft. variance is needed. Mr. Marrone advised they found the old front porch and that the new porch will be within the footsteps of the old porch. The barn was built in 1906 and the house was built 5 years later. The house is not on the historic register. It was noted that Mr. Marrone did not realize that he needed a permit to make the corrections and this is why he stopped work on the house to obtain the necessary permits, as advised by the zoning inspector.

Kathleen Lemar advised she has no problem in granting the variance, which will enhance the curb appeal of the house and since Mr. Marrone is restoring the house back to what is originally was it would be fine with her. Patricia Kwas advised she had not problem and advised that it will enhance the appearance of the house. Mr. Moore advised he also had no problem and that the porch will enhance the house. Mr. Daugherty advised he also had no problem with the variance.

Mr. Daugherty proceeded to provide the general facts about the property: Currently zoned rural residential, acreage 4.56350. The requested variance is due to the location of the house to the proximity of the road; therefore the variance needed is not under the control of the property owner and is needed.

1. The property in question will yield a reasonable return and there can be a beneficial use of the property and the property cannot be beneficial unless a variance is granted due to the location of the house with correlation of the roadway.
2. The variance is substantial and needed.
3. The essential character of the neighborhood would not be altered and adjoining properties would not suffer a substantial detriment as a result of the variance.

4. The variance would not adversely affect the delivery of the government services.
5. The applicant purchased the property without the knowledge of the zoning restriction, as the porch was torn off when he purchased.
6. The applicant's predicament feasibility cannot be obviated through some method other than a variance.
7. The spirit and intent behind the zoning code would be observed and substantial justice would be done by granting the variance.

Given all the Duncan Factors this does meet all the requirements and would be justified.

With no further discussion, a motion was made by Patricia Kwas to grant a 45' variance, as per Section 303D, to Daniel and Catherine Marrone at 8452 Friendsville Road, Seville, Ohio 44273 to replace the front porch which was torn down and to restore the house back to the original likeness and to give egress and ingress to the front of the house, as per plans submitted to be treated as exhibits in the file. A second to the motion was made by Kathleen Lemar. A roll call was taken: Wayne Moore-aye, Patricia Kwas-aye; Katheen Lemar-aye; Kevin Daugherty-aye. The motion passes.

A motion was made by Wayne Moore to close the public hearing and a second to the motion was made by Patricia Kwas. All were in favor.

General Meeting

The regular meeting was called to order by Michael Schmidt. A roll call was taken and the following members were present: Kevin Daugherty, Wayne Moore, Patricia Kwas, Kathleen Lemar and Michael Schmidt.

The minutes of the March 29th meeting were given to members. Mr. Daugherty asked on Page 3, Copies of information were mailed on 4/23 not part of the minutes, and were inserted after the meeting, as a note to self/ postscript, than rather than the minutes. With no other changes, a motion was made by Kevin Daugherty to accept the minutes and a second to the motion was made by Kathleen Lemar. All were in favor.

The minutes of the February meeting were already approved and just needed signatures of members, along with official notice to TA from a prior meeting. Regarding the Rules of Procedure, copies were handed out to members with changes made as requested. A motion to accept the Rules of Procedure was made by Kevin Daugherty. A second to the motion was made by Pat Kwas. All were in favor.

Before members were copies of the Area Variance and Use Variance. A motion was made to approve the forms by Kevin Daugherty and add Vice- Chairman, rather than Co-Chairman as amended. A second to the motion was made by Pat Kwas. Wayne Moore-aye; Kevin Daugherty-aye; Patricia Kwas-aye; Kathleen Lemar-aye; Michael Schmidt-aye. All were in favor.

The Conditional Use Application request was submitted to those in attendance. It was noted with some recommendations made by Kevin, everything looked good and with Bill Thorne's approval we are ready to go.

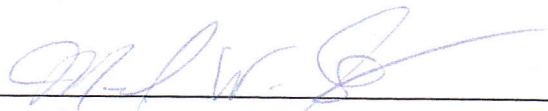
New Business

Discussion was entered into amongst members regarding the possibility of just reflecting the general theme of the meeting rather than type exactly as presented. It was noted that in order not to reflect someone's opinion and possibly being presented incorrectly, minutes would be presented in the future as discussed. It was also noted that all minutes are requested to be presented as discussed. It was noted that meeting minutes are typed and placed in a book, along with a record (disc) kept in file. Martha maintains the records which indicate when minutes/discs are destroyed. It is most important that minutes be kept objective and subjective. Kathleen Lemar advised that meetings attended, lawyers are advising to type as presented in order to protect themselves (public officials). Mr. Oiler advised to summarize it takes longer, as you have to go through the whole disk and then interpret what was most importantly said, then type, so this can mislead. Kathleen Lemar advised the board is a quasi legal arm of the township and it is essentially a court, we are making decisions as a court and the only recourse, it to go to a court, if they go, and Bill defends what we decided, other lawyer will subpoena records. With reference to time limits for records, the Records Retention Commission decides how long copies of records are kept. Members asked how long do packets of information have to be kept. It was noted that after completed with information it can be destroyed unless you prefer to save your copies for reference materials.

With no other discussion, a motion to adjourn the meeting was made by Kathleen Lemar. A second to the motion was made by Patricia Kwas. All were in favor. The meeting was adjourned at 8:47 pm.

Respectfully submitted,

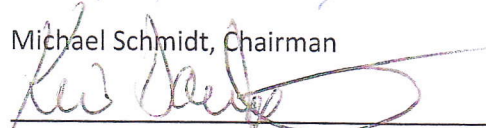
Sherry Clarkson



Michael Schmidt, Chairman

11/15/12

Date



Kevin Daugherty, Vice-Chairman

11/15/12

Date

Wayne Moore, Member

Date

Kathleen L. Mar

Kathleen Lemar

11/15/2012

Date

Patricia A. Kwas

Patricia Kwas, Alternate

11/15/2012

Date