

# Westfield Township Board of Trustees

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## Public Hearing Outdoor Wood Fired Boilers February 10, 2014

Roll call: Likley, Schmidt, Thombs were present.

Trustee Likley opened the Public Hearing meeting at 7:00 pm which was a continuation from February 3, 2014 to review the Zoning Commission proposed language to amend Article VI, section 606.A. 23 to add residential use of Outdoor Wood Fired Boilers (OWB).

Zoning Commissions' recommendations that are addressed during the hearing are attached.

Trustees reviewed Medina County Prosecutors' Office (MCPO) and Medina County Department of Planning Services (MCDPS) recommendations and correspondence on the OWB addition. Both offices recommended OWB text amendment as an addition to Accessory Structures and Uses, versus the Zoning Commissions' recommendation as a Conditional Use.

Likley agreed with MCPO and the MCDPS that OWB would be more appropriate under Accessory Use versus a Conditional Use which would require an application to the BZA and the added expense and inconvenience of the property owner.

Schmidt addressed the correspondence from Planning Services (June 6, 2013) and the Prosecutor's Office (August 7, 2013) both made recommendations that Accessory Use under Article II. Section 205 made more sense than going through the BZA as a Conditional Use. An example of an accessory use would be a swimming pool as long as the stipulations are met. If OWB were a conditional use as the Zoning Commission proposed than it would be an added cost of \$300.00 to the resident. Thombs clarified that an accessory goes with the home.

The trustees also agreed that the recommended language by the Zoning Commission "only in the rear yard and not less than 200 feet from property line" was too restrictive for the majority of properties because current minimum lots in Rural Residential have a 250' frontage. Schmidt adds that the Planning Services recommendation includes side yards. Likley stated that 'rear yard only' is too restricted and we don't want to create situations where a variance would be necessary.

Zoning Inspector Sims asked for clarification regarding where stack height should be measured from.

Trustees discussed the height of the smoke stack and it was decided that the elevation should start with the "base of the unit" due to variations in property grades. It was discussed that after 35' a height variance would be required from the BZA. A twenty (20') foot stack height shall be required.

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Trustees discussed allowing only EPA approved Phase II OWB's and that homemade boilers would not be permitted. This would eliminate the need for the township to police emissions and particulate matter emitted by the unit.

ZI Sims asked for clarification of EPA emissions, stack height and the manufactory's recommendations to be included in the language for ease of resident understanding and enforcement. Sims also requested property owners who presently have an OWB unit be granted a nonconforming use certificate and recorded.

Chairman Likley asks the audience for public comments.

Frank Galish, 9510 Leroy Road asked for clarification if the property owners of the Village would be grandfathered in. Likley addressed the question and stated they would fall under the Villages' zoning guidelines and requirements. Galish also asked for clarification regarding 'frontage or front yard '. Schmidt said it may not be your front of the house but it is the side facing the street. Galish also wanted clarification that a property must be three (3) acres. Likley said it is our present zoning of 3 acres with 250' of frontage.

Trustee Likley recommended the following:

Article II. Section 205 Accessory Structures and Uses and to add the following:

J. Outdoor Wood Fired Boilers (OWB) Phase 2 Emission Standards ONLY. After discussion with the board it was decided that EPA standards must be adopted by the Township. Likley also included: Shall be permitted as an Accessory Use in the Rural Residential District and Local Commercial District according to the criteria established below and the district regulation of Article III sections 303 and 305.

1. Outdoor Wood Fired Boiler shall require a zoning certificate.
2. May be permitted on any lot or parcel of three (3) acres or more.
3. Shall be permitted as a residential accessory use only.
4. Shall be permitted as a means to produce heat for a structure, accessory use and or water.
5. Shall be located a minimum of One Hundred (100) feet from property lines and or road right of ways.
6. May be located in a side or rear yard, with compliance of section 205.K.5.
7. Shall require a smoke stack height a minimum of twenty feet (20), measured at OWB base of unit.
8. The installation, location, maintenance, operation and fuels burned shall be in compliance, conformance, and or by recommendations of the manufacture of the OWB.
9. Must comply with all applicable Medina County Building Department regulations (building, electrical, mechanical, plumbing, heating).

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In order to obtain a zoning certificate for an OWB the applicant must provide the following information prior to zoning certificate issuance.

- a. Proof of manufactures certified Phase 2 EPA emission standards of OWB to be installed.
- b. Completion of application by property owner of record or designee.
- c. Information from County Tax Maps indicating acreage, property owner and lot dimensions.
- d. A scaled drawing detailing the OWB staked location, and distances from property lines and structures.
- e. A printed copy of manufacture's documentation and specifications for installation, maintenance, operation of the OWB and recommended fuels to burn.

By authorizing the installation of an Outdoor Wood Fired Boilers, Westfield Township or its representatives are NOT authorizing a nuisance as defined in Article XI.

With the addition of the proposed language to Article II section 205, an amendment to the Westfield Township Fee Schedule is also warranted.

Likley also made the following recommendation:

**Miscellaneous**

*Outdoor Wood Fired Boiler* \$50.00

It can be anticipated that a site review by the Zoning Inspector will be required to ensure compliance and the fee would be warranted.

The **Zoning Certificate Application** for this proposed use must be reviewed as well to ensure required and or applicable information is identified.

*Thombs made a motion to adopt the proposed amendment with changes as modified by the Board of Trustees; seconded by Schmidt.*

*Roll call: Likley-aye, Schmidt-aye, Thombs-aye. The motion passes. The trustees announced that the amendment will be in effect in 30 days (March 12, 2014.)*

*Likley made a motion to adjourn at 8:30 pm; seconded by Thombs. Roll call: Thombs-aye, Likley-aye, Schmidt-aye. The motion passes.*

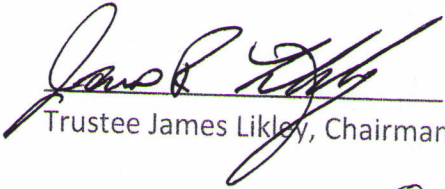
*\*Accessory Structures and Uses Section 205. J. was already used for Wind Energy, therefore, OWB was written under Section 205.K.*


Respectfully submitted by:

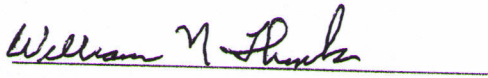
Cheryl Porter, Zoning Secretary

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Trustee James Likley, Chairman

  
Trustee Michael Schmidt

  
Trustee William Thombs