

**WESTFIELD TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
MARCH 9, 2010**

Chair Sturdevant called the regular meeting of the Westfield Township Board of Zoning Commissioners to order at 7:39 p.m. Board members Brewer, Anderson and Sturdevant were in attendance. Permanent Board members Miller and Kemp were absent. Alternate Board member Kathy Zweifel sat in on the Board. Other individuals in attendance: Ron Oiler, Gary Harris, Matt Witmer and Stan Scheetz.

NEW BUSINESS

Trustee Harris presentation and discussion

Trustee Harris presented the situation to the Commission about a camper on Seville Rd. near the Westfield Township/Seville border. He stated this issue began about 2 yrs. ago (he presented pictures) about the condition of the property and a disabled camper. Trustee Harris stated while he was Zoning Inspector he sent several letters to the property owner about the debris on the property. The property has been cleaned up but the camper remains in spite of numerous letters being sent to the property owner. Trustee Harris stated he was in communications with Ms. Devanney at the Pros. Office at the time on this zoning issue. This is a vacant parcel of property and the property owner was cited for having a disabled vehicle.

Trustee Harris continued that the son in law stated the camper was disabled and therefore he could not move it off the property. Trustee Harris stated his reply was for the son in law to get a tow truck and remove it from the property. In sum the property owner was cited again for not removing the camper and the case was referred to David Folk at the Pros. Office due to Ms. Devanney leaving her position at the Pros. Office.

Trustee Harris then produced a letter from the Pros. Office dated January 21, 2010 (see attached to approved minutes) which the Pros. Office stated that enforcing the Township's zoning resolution regarding the disabled camper would be difficult. Per Westfield Township's Zoning Resolution Article V, Section 508-A states, "No Disabled Motor Vehicles shall be left on private property for more than thirty (30) days outside of a completely enclosed building." and Article XI, Section 1102, Subsection 63-b defines "disabled motor vehicle" as a vehicle which is:

1. Extensively damaged, including but not limited to any of the following: missing wheels, tires or transmission, etc.
2. Apparently inoperable.

The Ohio Courts determination that a vehicle be "extensively damaged" is an objective element. "Extensively damaged" relates to the mechanical function of the vehicle and not its cosmetic appearance. The Pros. Office's opinion is the fact that the camper has a flat

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tire and is missing glass from its rear window, does not rise to the level of “extensively damaged.”

Trustee Harris stated Bill Thorne from the Pros. Office has stated that under this language there was nothing that could be done to remove the camper. Trustee Harris stated the language in the Zoning Resolution Article V, Section 508-A states, “No Disabled Motor Vehicles shall be left on private property for more than thirty (30) days outside of a completely enclosed building.” Trustee Harris commented that since the property does not have a garage that would not be applicable. Chair Sturdevant commented that should not be the issue as the code does not allow a disabled vehicle to be left for more than 30 days outside of a completely enclosed building. Trustee Harris suggested writing language in the Zoning Resolution that if there is no principal use on a parcel of property it cannot be used for storage. He added he ran this past Bill Thorne and he said the Commission could draft that language. Chair Sturdevant stated even if the Commission did draft language anything that is currently on the property would be grandfathered. Trustee Harris stated that was correct, but the language would deal with any new issues in the future.

Chair Sturdevant then asked if “storage” could be considered a principal use? Trustee Harris stated the Township BZA has heard and granted use variance requests for an accessory use to be built before there is a principal use on a property. However, there have been issues where the property owner has not complied with building a principle use later on the property even when given a time frame to do so. Trustee Harris stated another issue with this particular property is that really is a rear lot and only has 60 ft. of frontage, and the Zoning Resolution states that one could not use the access area of a rear lot to locate an accessory building etc. Trustee Harris stated he asked Mr. Thorne if a letter could be sent to ask the property owner to prove that the camper does not run. Mr. Thorne stated he could not do it but the Zoning Inspector could. However Mr. Thorne stated he could not back the Township if the property owner refused.

Chair Sturdevant stated before the Commission took any action she would e-mail/contact Mr. Thorne for a legal opinion before moving forward.

Chair Sturdevant then introduced the new Zoning Inspector Matt Witmer. Zoning Inspector Witmer stated he has attended two training sessions put on the Dept. of Planning Services and also met with Mr. Thorne from the Pros. Office and the Director of Planning Services Patrice Theken. Zoning Inspector Witmer forwarded his e-mail address to be added to the list of recipients for business before the Zoning Boards and Township in general.

GENERAL BUSINESS

Approval of January 12, 2010 meeting minutes

Ms. Brewer made a motion to approve the January 12, 2010 meeting minutes as written. It was seconded by Mr. Anderson.

ROLL CALL-Anderson-yes, Brewer-yes, Zweifel-abstain (not present), Sturdevant-yes.

Overview of information from Webinar on Electronic Signs

Chair Sturdevant stated she and Trustee Oiler attended a webinar on electronic signs. One of the issues was the distance a business had to be from a highway in order to regulate such signage. She added the Signage Institution standard is that such signs change every 2-8 seconds.

Mr. Anderson stated that the City of Strongsville has an electronic sign at the center of town at Rt. 82 and Rt. 42 that they utilize for community messages and advertisements. Secretary Ferencz stated that the City of Medina current regulations on electronic signage state that such a sign cannot change more frequently than once every 60 seconds. She added she has also heard the City was looking to revise that time limitation. Secretary Ferencz stated Medina Twp. would be holding a public hearing on such signage on March 16, 2010. She stated she would forward the Commission Medina Twp. proposed language as well as the recommendation of the Planning Commission so Westfield Twp. could review that information before moving forward on such regulations.

Chair Sturdevant stated the reason she attended the webinar was that Truckstops of America has an electronic sign reflecting their gas prices and the Township currently does not have any regulations on such signage. Other businesses in that area may follow suit and the Township should be prepared to address such signage. According to the seminar this type of signage is the wave of the future and is being implemented to reduce sign clutter as well as advertise. The cost of these signs are expensive. Chair Sturdevant stated per the webinar for example that if the sign is too bright and the property owner is cited and they do not heed the citation, the Township could make the property owner shut down the electronic portion of the sign for a certain period of time. Chair Sturdevant stated the brightness of such signage can be measured by a unit called a NIM. The device to measure NIMS is costly, but the Township can ensure the brightness by requiring the manufacturer of the sign to give the Township the documentation that NIM level of the sign. Chair Sturdevant explained the difference of a NIM level and a foot-candle. In sum the NIM level is the brightness of the sign and the foot-candle measure the light generated around the sign. The webinar also discussed if the sign message changes too frequently, is static between messages, fades, scrolls, color of lighting to be used, etc. Secretary Ferencz stated in the proposed language Medina Township the time between messages must remain static.

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Chair Sturdevant concluded that a power point presentation on the webinar would be posted on the Dept. of Planning Services website and she encouraged the board members to review that information.

Misc.

Chair Sturdevant stated that Zoning Commission was in receipt this evening of the Final Comp Plan from Mr. Majewski from NorthStar Planning. Mr. Scheetz has inquired how/if the Commission was going to proceed with the 500 acres. Chair Sturdevant stated the Final Comp Plan would need to be discussed with Mr. Majewski before action if any would take place by the Commission. The Commission stated they would like to have Mr. Majewski out at their next regularly scheduled meeting on April 13, 2010 if coming before the Commission was part of the contract he had with the Township for the Comp Plan and its approval/adoption process. Secretary Ferencz stated there was nothing in the Ohio Revised Code regarding the approval process of a Comprehensive Land Use Plan. However she remembered reviewing the contract and Mr. Majewski stated he would present the Plan to the Commission and the Trustees. Secretary Ferencz added she would contact Mr. Majewski accordingly to see if he could be in attendance at the next Zoning Commission meeting. Due to the extensive nature of this subject it would be the only item on the agenda for April.

Mr. Scheetz stated the 350 acres he originally mentioned was for the General Business District. The additional 125-150 acres was for industrial east of the Chippewa Creek. He said he has asked the Commission if they would be proactive in moving forward with these rezonings as that was the area he tried to have annexed to the Village of Seville. Mr. Scheetz commented that annexation went down but now there are new council members and Mayor in the Village of Seville and they have contacted him about reinstating the annexation if Westfield Township was not going to do anything. Mr. Scheetz suggested that the Township spent the last 1 ½ yr. working on the Comp Plan that had pretty dramatic guidance as to where it was going. Mr. Scheetz suggested the possibility of the Township hire another planner such as Oxbow Engineering or another outside third party to review the Comp Plan and concentrate on the controversial areas in the Township. Mr. Scheetz continued that he wrote a letter in October 2009 that he would give the Township through March 2010 to proceed with his proposal otherwise he would have to look at other options for development.

Chair Sturdevant stated the Commission would try to schedule a meeting with Mr. Majewski for next months meeting and then could decide if they would like to request another planner to review the Comp Plan or move forward.

OLD BUSINESS

1. Windmill/Wind Energy Language

Chair Sturdevant handed out proposed language on windmill/wind energy that went through the Dept. of Planning Services for staff comment. She suggested the Commission

members review that information as well as the additional information previously handed out from Mr. Bill Thorne from the Prosecutor's Office on wind turbines as well. This could be discussed at the Commission's May meeting.

2. Outdoor Wood Burner Discussion

Chair Sturdevant stated that at the last meeting she handed out language Mr. Thorne provided on outdoor heating units. She asked the Commission members to review that information and be prepared to discuss it at the May meeting.

Chair Sturdevant stated she would like the Commission to be prepared to potentially move forward with draft language on wind energy and outdoor heating units for the May meeting.

Announcements

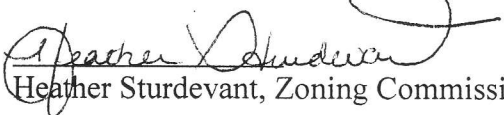
The Commission's next regularly scheduled monthly meeting will be held on April 13, 2010 at 7:30 p.m.

March 10, 2010 at 1:00 at Medina County Soil and Water District on the Chippewa corridor.


Dept. of Planning Services workshop-"Using new technology for zoning and planning" to be held on March 31, 2010 from 6:30-8:30 p.m. at the Dept. of Planning Services. If anyone is planning on attending you must sign up because this workshop will take place on computers


Having no further business before the Commission, Ms. Brewer made a motion to adjourn. It was seconded by Mr. Anderson A roll call was taken. All members were in favor. The meeting was officially adjourned at 8:14 p.m.

Respectfully Submitted,
Kim Ferencz, Zoning Secretary


Heather Sturdevant, Zoning Commission Chairperson

Kathy Zweifel


Susan Brewer


Scott Anderson