

**WESTFIELD TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
REGULAR MEETING  
MAY 10, 2011**

Chair Sturdevant called the regularly scheduled meeting of the Westfield Township Board of Zoning Commissioners to order at 7:36 p.m. Board members Brewer, Anderson, Kemp, Miller and Brezina were in attendance. Absent: Brewer, Anderson and alternate Board member Zweifel. Other individuals in attendance: Ron Oiler, Zoning Inspector Matt Witmer, Kathleen LeMar, Larry Bensinger, Gary Harris, Tim Kratzer, The Drakes, Karen Fisher, The Kerrs, Bill Thombs, Tom Micklas, Stan Scheetz, Donald Dacobucci Bill Hyler and Carol Rumburg.

**APPROVAL OF MEETING MINUTES**

**March 8, 2011 meeting minutes**

Ms. Kemp made a motion to approve the March 8, 2011 meeting minutes as written. It was seconded by Chair Sturdevant.

ROLL CALL-Kemp=yes, Miller=yes, Brezina=abstain (not sitting), Sturdevant=yes.

**March 15, 2011 meeting minutes Cloverleaf School District site plan**

Mr. Miller made a motion to approve the March 15, 2011 meeting minutes as written. It was seconded by Ms. Kemp.

ROLL CALL-Miller=yes, Kemp=yes, Brezina=abstain (not sitting), Sturdevant=yes.

**March 15, 2011 meeting minutes –Comp Plan Update**

These meeting minutes were tabled for approval.

**March 29, 2011 meeting minutes**

Ms. Kemp made a motion to approve the March 29, 2011 meeting minutes as written. It was seconded by Mr. Miller.

ROLL CALL-Kemp=yes, Miller=yes, Brezina=abstain (not sitting), Sturdevant=yes.

The meeting minutes from the Commission's April 12, 2011 were tabled as there were not enough sitting members from that meeting to approve the minutes.

**Comp Plan Update Discussion and Possible Vote**

It was determined by the majority of the board members present to table voting on the Comp Plan Update due to a lack of a full board not being present this evening.

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Chair Sturdevant stated she would like to set a special meeting to discuss and vote on the Comp Plan Update.

Chair Sturdevant made a motion to set a special meeting for the purpose of discussion and vote on the Comp Plan Update for May 17, 2011 at 7:30 p.m. It was seconded by Ms. Kemp.

ROLL CALL- Sturdevant-yes, Kemp-yes, Miller-yes, Brezina-yes.

**Presentation by Kathleen LeMar on Churches and Campgrounds**

Ms. LeMar presented the Commission members a document to remove churches and other places of worship as conditionally permitted uses and governmentally owned or privately owned and/or operated recreation areas which include overnight camping, either as a primary or secondary activity from in the Rural Residential District in the zoning text as well as campgrounds and recreational areas such as picnic areas, playgrounds, private parks, club pools, golf courses, tennis clubs, country clubs, equestrian activities and other similar recreation facilities or uses. (See attached to approved meeting minutes)

In sum the document stated the “watchword” on everyone’s lips is “Preserving OUR RURAL RESIDENTIAL WAY OF LIFE.” The primary method for bringing about this “preservation” is through zoning. Westfield Township is unique in that we continue to have large agricultural farms, small scale farming, and rural residential lots all existing side by side...However, the current language of our zoning code threatens to disrupt this balance of coexistence by allowing for commercial enterprises to be established in the midst of our residential areas. This commercial insertion has the potential to negatively affect our resident’s way of life physically, and financially through our property values... Campgrounds, churches and the above listed public recreation areas do not belong in rural residential zoning. It is up to this zoning board to protect our rural residential homes and properties from this uncontrollable commercial encroachment...Please delete these sections from the zoning text or put them in commercial areas where they rightfully belong.

Chair Sturdevant stated the Commission did not have any power over regulating churches or governmentally owned/operated facilities. Even if these uses were moved to a commercial district, the Township would have to sue such operations if they did not comply with the zoning code. Regarding schools, Chair Sturdevant stated the District has been very cordial and supportive of working with the Township and abiding by the zoning resolution.

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Chair Sturdevant asked Ms. LeMar as a BZA member, if she felt those uses being conditionally permitted did not protect the Township adequately? Is it that easy to get a conditionally permitted use? Ms. LeMar stated it was not difficult to get a conditionally permitted use. She added that politics plays in the decisions that are made and the goal should be to protect the residents and residentially zoned land in the township. The uses discussed were quasi-business enterprises and they could locate in any residentially zoned district. The only way to appeal a decision of the BZA is the Court of Common Pleas.

Chair Sturdevant stated she believed the existing campground in the Township had its zoning changed to Local Commercial. Zoning Inspector Witmer confirmed that fact. Ms. LeMar responded that when the campground was located in the rural residential district it was a problem and continues to be an issue because of the way it was handled through zoning.

Ms. Kemp stated it was worth discussion. Mr. Miller stated we see what has happened all over the United States that Churches are put in that people don't want or in locations they don't want. He added he did not know how much governmentally owned land or facilities there were in the Township except for the existing parks. Mr. Miller stated he did not believe people would be shooting on them or building on them because that was not currently permitted. Mr. Miller concluded he agreed with Ms. LeMar.

Mr. LeMar stated she felt times were changing and that these items needed to be looked at as density was increasing. Mr. Miller commented there is a similar situation with the rifle range on Poe Rd. in Montville Township which was established long before the \$500,000 dollar homes were built around it and the complaints from the neighbors. LeMar stated it was better to be proactive than reactive.

Mr. Brezina commented that he felt Ms. LeMar's proposal was worthy of consideration. Chair Sturdevant stated she had no issues with campgrounds being permitted only in a commercially zoned district as the existing campground was located in such district. She added that she did not feel there was much control over churches and governmentally owned facilities but did feel that commercially zoned land would be better suited for such uses. Chair Sturdevant continued that the Commission would also need to consider if such uses would be conditionally permitted in the Local Commercial District or permitted by right. This would need to be discussed with legal counsel as well as researching other communities regarding these issues.

Chair Sturdevant made a motion to discuss possible changes to Section 303 Rural Residential District after initial discussion with the Prosecutor's Office. It was seconded by Mr. Miller.

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ROLL CALL-Sturdevant-yes, Miller-yes, Kemp-yes, Brezina-yes.

Mr. Miller commented that the text amendment just approved by the Trustees allows for churches as well.

**Presentation by Zoning Inspector Witmer on Junk, Junk Vehicles and Pools**

Zoning Inspector Witmer stated the Pros. Office felt the current definition of “junk” in the zoning resolution was inadequate. Chair Sturdevant stated she collected definitions from the Department of Planning Services. Zoning Inspector Witmer stated there was also an issue regarding the resolution on junk vehicles. The Prosecutor’s Office has stated in the past that the resolution on junk vehicles was no longer adequate or enforceable. Zoning Inspector Witmer stated he also provided the Commission with a definition of “junk” from Lafayette Township as well. (See attached to approved meeting minutes)

The Commission reviewed the current definition of ‘junk’ in the zoning resolution and the definition offered by the Department of Planning Services. (See attached to approved meeting minutes)

Mr. Miller stated he was concerned with yard debris being considered as “junk” in a strict sense as it could be used for composting. Zoning Inspector Witmer stated one had to be careful regarding “yard debris” as individuals have the right to leave their yards in a natural state. Chair Sturdevant suggested that possibly it could be stated that any yard debris of a nature that causes a hazard, obstruction or nuisance to neighboring properties would be prohibited.

The Commission stated they would review the definitions received by the Dept. of Planning Services and see how it could be revised to best fit the needs of Westfield Township and then it could be forwarded to the Pros. Office and/or the Dept. of Planning Services for review.

The Commission decided the meeting on the Comp Plan Update scheduled for May 17, 2011 would include General Business as well.

**Swimming Pools**

Zoning Inspector Witmer asked the Commission if they wanted to continue to regulate fencing around pools or leave it up to the individual property owner. The Commission reviewed the current regulations in the Zoning Resolution regarding swimming pools. Mr. Miller brought up the issue of infringing on individual property owner’s decision making capability. He continued that some inflatable pools are 4 ft. in height. Zoning Inspector Witmer interjected that the Trustees have enacted a resolution that exempts inflatable pools from the zoning restrictions.

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Mr. Miller then asked how far do we push a regulation when it should be the individual property owner's responsibility. Ms. Kemp stated she felt this is was more of a liability issue for the property owner and not a zoning issue.

Ms. LeMar stated as an emergency room nurse she saw many child drownings. One dead child is worth every single fence erected.

Chair Sturdevant stated she read more about children drowning in ponds out in this area. She added she had no issues with modifying the language on swimming pool regulations. This decision needed to be made by the Commission.

Zoning Inspector Witmer commented that another issue is how far back from a pool should the fence be? He added he looked at Medina City regulations and they require a fence for any pool over 3 ft. in height but believed it did not include inflatables.

Chair Sturdevant read the Montville Twp. zoning regulations regarding pools (See attached to approved meeting minutes). Zoning Inspector Witmer interjected that he would like to see the provision that "fences shall be constructed so as to have no openings, holes, or gaps larger than 4 inches in any dimension except for doors or gates." That is the County code as well.

Chair Sturdevant suggested the Commission research other community's regulations on pools. The tightening of the regulations would then be discussed at a future meeting of the Commission. She added that information was handed out to the Commission members previously and asked that the Commission would review that information accordingly.

**Misc.**

Chair Sturdevant stated it has been difficult for board members to meet the training requirements as the classes have been limited or not pertinent to the boards. It was asked of the Trustees if they would permit limited training opportunities outside the County and for those who attend to train the other board members. She added she and Zoning Inspector Witmer would be going to a zoning workshop in Akron which would address windmills, outdoor wood burners and internet cafes. She added the information received would be forwarded to the board and a training session set accordingly. The Trustees also stated they would consider sending board members to training outside the County on a case by case basis and it would be on a rotating basis for board members to attend.

The Dept. of Planning Services would be offering a 5 wk. zoning workshop. The dates are May 12-June 9, 2011 on Thursdays from 7:30-9:30 p.m. The cost is \$99.00. Approval

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would need to be granted by the Trustees or any board member can pay individually for the course.

**Adjournment**

Having no further business before the Commission, Mr. Miller made a motion to adjourn.

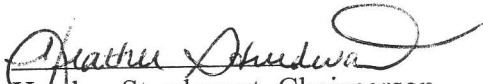
It was seconded by Ms. Kemp.

ROLL CALL- Miller-yes, Kemp-yes, Brezina-yes, Sturdevant-yes.

The meeting was officially adjourned at 8:38 p.m.

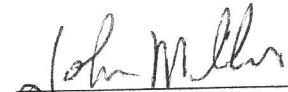
Respectfully Submitted,

Kim Ferencz, Zoning Secretary

  
Heather Sturdevant, Chairperson

  
Jill Kemp

  
Greg Brezina

  
John Miller