

**WESTFIELD TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
REGULAR MEETING  
AUGUST 9, 2011**

Chair Sturdevant called the regular meeting of the Westfield Township Board of Zoning Commissioners to order at 7:37 p.m. Permanent Board members, Anderson, Brewer, Brezina, Kemp and Sturdevant were in attendance. Other individuals in attendance: Ron Oiler, Donna Bower, Zoning Inspector Matt Witmer, Gary Harris, Tim Kratzer, The Kerrs, Stan Scheetz, Bill Thombs and Kathleen LeMar.

**Approval of July 26, 2011 meeting minutes**

Mr. Anderson made a motion to approve the July 26, 2011 as amended. It was seconded by Mr. Brezina.

ROLL CALL-Anderson-yes, Brezina-yes, Brewer-yes, Kemp-abstain (not present at meeting), Sturdevant-yes.

Chair Sturdevant stated the Commission has received a certified Resolution from the Township Trustees. (See approved meeting minutes.)

In sum the Resolution passed by the majority of the Trustees moved to rezone the following properties to General Business District/General Business District PUD or to Local Commercial District:

|          |                |            |
|----------|----------------|------------|
| Molnar   | 041-15B-51-006 | depth 530' |
| Campbell | 041-15B-53-001 | depth 530' |
| Bombard  | 041-15B-54-001 | depth 530' |
| Bombard  | 041-15B-54-002 | depth 530' |
| Haight   | 041-15B-54-003 | depth 530' |
| Haight   | 041-15B-54-004 | depth 530' |

Chair Sturdevant also read a letter from those property owners (See attached to approved meeting minutes) requesting that the Township rezone their property as listed above to general business or a more conforming local commercial zoning so as not to force economic obsolescence onto those properties due to the previous rezoning passed by the majority of Trustees.

Chair Sturdevant made a motion to set a public hearing pursuant to Resolution 2011-20 by the Township Trustees to rezone the above-mentioned properties on August 30, 2011 at 7:30 p.m. It was seconded by Mr. Anderson.

ROLL CALL-Sturdevant-yes, Anderson-yes, Brewer-yes, Kemp-yes, Brezina-yes.

Chair Sturdevant stated at a previous meeting, BZA member Kathleen LeMar gave a presentation on moving camp grounds and churches to the Local Commercial District or

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a different zoning district other than Rural Residential or removing them all together. Chair Sturdevant added she spoke to Prosecutor Thorne and the courts have upheld permitting churches in a residential district for a very long time. He added if the Township refused to allow a church to locate in an residential district, it would never survive a legal challenge.

Regarding campgrounds, Mr. Thorne stated they too could not be completely eliminated as they were an accepted use in the zoning code as the Township has one campground currently and it is grandfathered. Also the existing campground fits in that area because that area is not fully developed. If it were fully developed in that area under Local Commercial, which surrounds the campground it would not fit in that area. Again Mr. Thorne stated the Township would probably not be able to win if challenged because this area is where the campground has been most successful and they would not be suitable in another district.

Ms. LeMar addressed the Commission. She added she did further research on campgrounds in Medina County. Most of these campgrounds are set up in Agricultural areas initially in response to nudist colonies. There are large buffers around these type of recreation areas and they are not surrounded by Rural Residential properties. When conditional use permits or variances are granted for campgrounds, the impact of the surrounding properties needs to be taken into consideration.

Chair Sturdevant stated since such uses are conditionally permitted in the Township, it would be when an application is made for that type of use before the BZA where conditions such as buffering and surrounding property impact should be considered. She added she was personally satisfied that a campground is a conditionally permitted use in Westfield Twp.

Ms. LeMar stated the problem she had was with the definition of recreational. Northcoast Soccer is a business but in the business of recreation. This is an ongoing issue before the BZA and the surrounding properties. Chair Sturdevant stated the BZA needed to set specific conditions that needed to be clear, adhered to and enforced. That was not an issue for the Commission. Chair Sturdevant continued that making them a permitted use in her mind would not benefit the Township as there are more controls if it is a conditionally permitted use. The rest of the Commission agreed with Chair Sturdevant.

**Swimming Pool Language**

Chair Sturdevant stated ZI Witmer has been in conversation with the Pros. Office about being able to enforce the proposed swimming pool regulations in terms of grade vs. natural grade. ZI Witmer suggested putting in a drawing to make it specific and more enforceable.

Also, ZI Witmer stated the Pros. was concerned there was no definition of grade or natural grade in the Zoning Resolution. The term "grade" not natural grade should be used.

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Therefore Section 4B was revised to read, "The fence shall comply with all provisions of this Zoning Resolution relating to fences and shall be at least four feet in height above the grade."

ZI Witmer also proposed a point 6. To read, "For an above ground pool a minimum of 4 ft. in height the grade must be level with the bottom of the pool with a minimum distance of 4 ft. from the closest portion of the pool side see figure A."

ZI Witmer continued that wording should then provide a safety measure of anything getting or falling into the pool. The rest of the wording would state, "If a deck is constructed around the pool then this section does not apply at the portions where the deck is located." ZI Witmer also provided a definition of grade that would read, "a level horizontal surface." The Commission agreed with all those amendments.

Chair Sturdevant made a motion to recommend the modification the swimming pool language including the definition of inflatable pool and grade to be adopted by the Board of Trustees and certified to them. It was seconded by Mr. Anderson.

ROLL CALL-Sturdevant-yes, Anderson-yes, Brewer-yes, Kemp-yes, Brezina-yes.

**Comprehensive Land Use Plan Update**

Chair Sturdevant stated all the changes have been made to the Comprehensive Plan Update. An e-mail was sent to all the Comp Plan members to see if they wanted their names removed from the Comp Plan. The deadline is August 12, 2011. When this information is received the Update would be certified to the Trustees.

Trustee Harris stated that an easier way to handle this instead of waiting for the Comp Plan members to respond may be like Lafayette Township did which was to have the wording added to the Plan, which stated, "Prepared with the assistance of the Westfield Township Zoning Commission." Chair Sturdevant stated some of the members wanted the reference of the "Steering Committee" removed all together from the Plan and some members want their names to remain so the Commission would wait until the deadline to take action.

**Clean Energy**

Chair Sturdevant stated she heard from those State organizations that Ms. Ulteras from Clean Energy was supposed to contact but has not heard from Ms. Ulteras. She added it was the burden of Clean Energy to prove they are exempt from certain regulations i.e. Air Quality Control. PUCO is working with the Attorney General's office to determine if that entity would be regulating Clean Energy as well. Clean Energy could move forward once the Township has received confirmation of regulation or exemption from those agencies.

**Small Wind Energy System**

Chair Sturdevant reviewed the proposed language due to the fact that some Commission members were not in attendance when this language was drafted. She added this language should be placed under Section 205 Accessory structures and Uses J.

Ms. LeMar asked how many of these systems can be placed on a property? The Commission stated one. The minimum acreage is 5 acres.

Mr. Thombs stated he asked the Commission to impose the negative on somebody who has a clearing in the front of their property and larger acreage than 5 and could meet all those standards so they would not be allowed to have such a system. Also regarding environmental issues, he asked what the Commission meant by “primarily” because the systems being proposed today have an overflow that goes back to the grid to be reimbursed for whatever you don’t use. Chair Sturdevant stated the way the wording is drafted the primary purpose is to provide power for the home. It does not say that one could not give back to the grid any additional power that is generated. She added she did not have an issue of the requirement of one small wind energy system, which could be located in the front yard, as long as it was only one system.

Mr. Thombs stated he had 15 acres and he could be 900 ft. back from the property before one even got to his house. Most 5 acres are not 900 ft. deep The clearing he had was in his front yard, but according to the code he could not place a system on his property yet it would be more obvious for the system to be located in his rear yard than front yard

The Commission decided to delete #4 which read, “Small wind energy system shall be located in the rear yard area only. Also, #6 was revised to read, “Minimum setback from all property lines, structures, right of ways and above ground utility lines shall be no less than 110 percent of the tower height.”

Chair Sturdevant made a motion to send the amended wording on small wind energy systems to the Dept. of Planning Services for review. It was seconded by Ms. Kemp  
ROL CALL-Sturdevant-yes, Kemp-yes, Brewer-yes, Anderson, Brezina-yes.

Chair Sturdevant stated she would e-mail or mail out the revised drafted language on small wind energy language to the Secretary and all Commission members.

**Wood Burning Devices**

The Commission decided to make wood burners a conditional use. Chair Sturdevant stated the height of the stack may be adequate in one area may not be sufficient in another area therefore she felt it should be a conditionally permitted use.

Chair Sturdevant read information sent to the Township from the Pros. Office. (See attached to approved meeting minutes).

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There was discussion about in which districts to permit wood burners. The consensus was to permit them in the Rural Residential and Local Commercial District. That would be in Section 303.B.2.h for the Rural Residential District and Section 305.B.2.J. for Local Commercial District. Wood burners would not be permitted in Sections 304, 306, or 307. The Commission would consider language for those sections at their next meeting.

**Announcements**

Zoning Commission Public Hearing rezoning for the map amendment-August 30, 2011 @ 7:30 p.m.

August 23, 2011 @ 7:30 p.m. Special meeting of Zoning Commission for revised site plan for Pilot.

September 13, 2011 @ 7:30 p.m. is the next regularly scheduled meeting.

Chair Sturdevant made a motion that the Commission send Resolution 2011-20 from the Board of Trustees to County Planning Services and the County Pros. Office. Seconded by Anderson. Roll Call Anderson-yes, Brewer-yes, Brezina-yes, Kemp-yes, Sturdevant-yes.

Gary Harris 7947 Lake Road commented that an Internet café has been opened in Lodi. Chair Sturdevant noted that currently Internet cafes are not a permitted use and therefore they are currently prohibited.

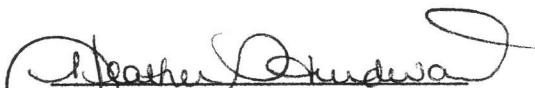
**Adjournment**


Having no further business before the Commission, Ms. Kemp made a motion to adjourn. It was seconded by Mr. Brezina.


ROLL CALL-Anderson-yes, Brewer-yes, Brezina-yes, Kemp-yes, Sturdevant-yes.

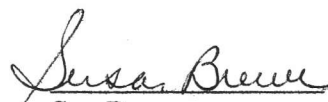
The meeting was officially adjourned at 8:50 p.m.


Respectfully Submitted,  
Kim Ferencz, Zoning Secretary

  
Heather Sturdevant, Chairperson

  
Greg Brezina

  
Scott Anderson

  
Sue Brewer

  
Jill Kemp