

WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS

May 29, 2007 @ 7:30 p.m.

Special Meeting/Workshop

Chairman Mike Schmidt called the special meeting/workshop to order at 7:30 p.m. Roll call indicated five members of the Board of Zoning Appeals were present: Michael Schmidt, Kevin Daugherty, Ron Oiler, Larry Bensinger and Robert Gecking. Alternate Jack Poe was also present. Others in attendance included Trustee Jeff Plumer, Bruce and Rosemary Broadbridge (10352 Wooster Pike), and Assistant Prosecutor William L. Thorne.

MINUTES

Upon motion by Larry Bensinger, duly seconded by Ron Oiler, the May 2, 2007, minutes were unanimously approved.

NEW BUSINESS

Chairman Schmidt stated that he had new business to bring up relative to a revision to our township comprehensive plan. He related that he and Russ Zupanic spoke with Bob Arnold, who is doing the Lafayette Township comprehensive plan, and explained how that plan was proceeding with a collaborative effort with the community and getting input from various agencies such as the Park District, County Engineer, etc. The way planning was done 10-12 years ago was pretty much taking information from various sources and plugging it in plus a survey; today's planning is totally different as it allows for a collaborative effort with the community. The plan that came out in 2003 specifically points out the area down at the truck stop and areas around there that are problems and need continuous attention. The comprehensive plan proposed by Mr. Arnold would give us guidance in that area; it would take a minimum of 1 – 2 ½ years to complete. Last week the Zoning Commission sent a Resolution to the trustees asking them to proceed with the update of the comprehensive plan because there is a window of opportunity to get matching funds of \$5,000 from the County Commissioners. The trustees have indicated there are some money issues but what we're looking at is what is for the good of our community. Mr. Arnold has indicated he would do a pay-as-you-go plan. Chairman Schmidt inquired if the board would like to entertain an action similar to what the Zoning Commission proposed. The Zoning Commission Resolution stated: Encourage the township trustees to allocate funds of \$5,000 in order to get matching funds under the Comprehensive Plan Grant Program of the Medina County Commissioners to pursue the update of the Westfield Township Comprehensive Plan.

There was discussion as to who did the 2003 plan with recommendations (NorthStar), who did the original plan (Planning Services), where was Arnold from and his background, what the cost of the proposal was, whether it would have to be bid out, that once the grant was received the township would have until July 2008 to proceed, that Arnold would generally be acting as a facilitator with the community, that zoning has already been changed in the problematic area (the campground was changed to LC), that this would not be an immediate cure and whether there was any need for the board to endorse the Zoning Commission resolution.

Ron Oiler made a motion that we recommend the trustees go forward with the Zoning Commission's Resolution. Mike Schmidt seconded the motion. After discussion, the roll call vote was as follows:

Ron Oiler	- yes
Robert Gecking	- no
Kevin Daugherty	- yes
Larry Bensinger	- no
Mike Schmidt	- yes

Motion Passed.

Chairman Schmidt again stated that this is just a recommendation to pursue a revision to the comprehensive plan and it's up to the trustees what they want to do – to go forward or not.

WORKSHOP on Conditional Uses for Government Projects

Chairman Schmidt indicated the main purpose for this workshop is to get some input/information from Assistant Prosecutor William Thorne on what we can expect on our conditional uses for government projects – all relative to the major construction work that is being done in and around the I-71/I-76/SR224/Lake Road areas.

A.P. Thorne explained that the board should be getting conditional use applications and the intent of the regulation was to allow the board to authorize staging areas, borrow pits, storage areas, etc. in areas that they would not normally be zoned but which would be advantageous to the township to allow them direct access and keep them off the major part of the township roads. Basically the board would be looking for the state or someone with a state contract or a subcontractor coming in and convincing you that a particular piece of property with a particular transportation route would be advantageous and that it would keep the trucks off township roads – so the idea of it is to keep the number of loads down and the traffic down for the benefit of the public.

There were examples of how similar projects were done in Brunswick Hills and in Granger Township and the problems encountered. Brunswick Hills dealt with it under what they referred to as Central Services – that code section authorized the board to approve the placement of central services necessary for public improvements. The project here is scheduled to last several years and once they get going your East/West routes are all going to be cut off. When the applications come in you would not only approve the site but the transportation route as a benefit to the community. It will be site specific and the only difference here will be that it is going to be temporary until the project is done then it is to be put back to normal. Any buildings or anything that they put up would come down unless it can meet your current zoning code. Anything that goes up would be a temporary structure and would come down when the job is done unless it meets code.

Article VI, Section 602 D (Conditional Use for Government Projects) was reviewed and discussed along with Section 606 – 33 (Specific and Supplementary Conditions. You need to go down your general requirements – it's supposed to be harmonious with the area, etc. – it's recognized that this is for unique situations, to expedite the project and supposedly to be an overall benefit to the township even though it may be a temporary detriment to a particular area. There could be numerous subcontractors vying to get a job

– a lot of them will be able to enhance their bid if they can get a site here that they can work out of. Each has to be looked at individually. A site could have multiple uses on it – it can be one application if they are trying to put, for example staging and storage, in one location. There should be no problem with environmental issues (chemicals, paint, etc) as it is a state project and subject to EPA approval. Also for any type of digging the contractors are to get underground clearance as part of the site process before they start. The contractors or subcontractors will have to present the information to you just like any other variance. If you need further information, try to get it from other sources, such as Planning Commission, Soil & Water, etc.

The three contractors/subcontractors that are already working down there are supposed to come in under this at least to make an application and go through the process. Gary has recently contacted them to start the process. Some of these things may not be illegal or necessary to have a special permit. The fact that you want to excavate off your property may not require any type of special permit for a site. Some people were proposing their property simply because they would like a lake – take all the material you want – we just want it done this way so when done, we have a viable lake here. The idea was to give the board a broad range so you can try to minimize the truck traffic out on the township roads without interference of every day life as much as you can – again with the understanding that the whole project is going to really put a crimp in the operations, particularly your East/West routes. It was put out there by the Zoning Commission as a tool because there were problems in other areas and the availability of having this type of language makes life easier for the residents and keeps the number of trucks down – they are talking thousands of truck loads once the project gets under way. The Zoning Commission thought some of this could be eliminated if there was a site close to I-71 where the trucks could cut through – of course there has to be permission to cut through private property. There was discussion about which township roads would be closed and how traffic would be rerouted and how inconvenient it would be for both residents and truckers/vehicles wanting to use the truck stops and fast food areas. In other project areas lengthy construction caused some businesses to shut down – some of them reopened successfully and some of them didn't.

The board should review each proposed use with the specifics listed for conditional uses in each district. It was determined that where Government Projects as a conditional use is listed in each district, it should have referenced - subject to these subsections of 606 – “33.” This was just an oversight and can be corrected when it is retyped. Subsection 33 is the mandatory section for government projects.

There was discussion about the type of fencing which may be allowed. Even though the township does not allow chain link fences, they could be allowed for this type of temporary use. There was also discussion about what type of information would be relevant pertaining to the lease agreement that is to be attached – don't need to know price but you need to look at physical site, how many acres, if there are any restrictions on the use, if there is an agreement about a certain kind of building going up and its to be kept as part of the lease – that's relevant on what type of permit you are going to authorize. If it's going to be a permanent building, it will have to meet the zoning code. As to the performance guarantee that's up to the board to determine what's required. It would generally be the cost of restoring the site so it will depend on what they want to

put on the site – you may need to get two or three estimates on that cost. If there is some additional information that the board needs or it needs reclamation estimates, it may be necessary to have a second meeting before granting approval. Like any other zoning, the contractors/subcontractors are supposed to check the zoning code when they come in for a site job. Most are going to be off-site areas that you will be looking at. Contractors are looking for sites without having to go through all this stuff. Some projects are already done, like the painting of the bridges – there was a trailer parked next to the old truck wash and that is already gone. It would also depend on the length of the project for a conditional – some may not be problematic.

Trustee Plumer and A.P. Thorne further indicated that the board should be getting a variance request from Pilot for a sign as the state is taking a larger right-of-way from Pilot and their changeable sign that is between Speedway and SR224 is now in violation as it's in the road right-of-way. The state apparently overlooked this and it has just come to light but Pilot has now been told that the sign must be moved.

The workshop with A.P. Thorne concluded and the board thanked him for his input and the information provided.

OTHER BUSINESS

A variance application for a storage shed was received from Darl Rastorfer and it was distributed to the board for review. The public hearing on this matter is scheduled for Monday, June 11, 2007, at 7:30 p.m.

ADJOURNMENT

Upon motion by Robert Gecking, seconded by Larry Bensinger, it was unanimous that the meeting be adjourned. The meeting was adjourned at 9:15 p.m.

Marlene L. Oiler, Certified PP, PLS
Westfield Township Board of Zoning Appeals Secretary

(Minutes approved 6/11/07.)