

**WESTFIELD TOWNSHIP
BOARD OF ZONING APPEALS
August 12, 2008 PUBLIC HEARING
Variance Request by Cloverleaf School District on behalf of
Cloverleaf High School of Section 507A-303D for the proposed
parking lot setback located at 7653 Buffham Rd.
(Approved as amended by the Board 9/23/08)**

Chairman Schmidt called the public hearing of the Westfield Township Board of Zoning Appeals to order at 8:46 p.m. All Permanent Board members were present.

MINUTES

Mr. Poe made a motion to approve the Board's June 30, 2008 meeting minutes as amended. It was second by Mr. Oiler.

ROLL CALL-Oiler-yes, Micklas-yes, Poe-yes, Daugherty-abstain (he was not present at the meeting) Schmidt-yes.

MISC.

Chair Schmidt stated that the fence has been completed by Northcoast Soccer.

Secretary Ferencz stated per Chair Schmidt's request a letter has been sent to the Pros. Office regarding the Bombard request.

VARIANCE REQUEST (parking lot setback) Cloverleaf High School-7653 Buffham Rd.

Trustee Likley asked Chairman Schmidt if he was going to abstain from the vote this evening. Chair Schmidt stated yes he would be. Trustee Likley stated if Chair Schmidt was going to abstain from the vote per Mr. Thorne from the Pros. Office, he would need to abstain from the entire discussion as Chairman and/or a Board member because Chairman Schmidt's impact on the Board could influence the vote. Trustee Likley stated Chair Schmidt could participate as a resident but not a Board member.

Chair Schmidt stated that was not how it has been done in the past. Mr. Daugherty asked if that ruling from the Pros. Office was new, as that has never been the practice of the Board. Secretary Ferencz stated how Trustee Likley explained the procedure was how it was done in the other Township's she worked for. Mr. Daugherty asked if Chairman Schmidt could chair the meeting. Trustee Likley stated yes, until discussion takes place on the variance request before the Board. He added that this situation is similar with Mr. Kratzer and his project pending before the Township. Anytime it is discussed; Mr. Kratzer steps down from the board as Trustee and can then participate in the meeting as the property owner/resident. Chair Schmidt asked if this is the procedure on the Zoning Commission with Commission member Anderson as he does not believe it has been handled in this manner. Trustee Likley stated Mr. Anderson is not a landowner in the area being presented; he is not financially gaining anything from Mr. Kratzer's proposal. Trustee Likley added that the Township had a letter from the Pros. Office stating such.

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Mr. Anderson does not have to abstain from the vote as the Kratzer application is presented currently. Mr. Daugherty stated that Mr. Anderson is a relative. Again, Trustee Likley stated the Township had a letter from the Pros. Office that addressed the issue of Mr. Anderson's participation in the Kratzer application as submitted.

Chair Schmidt stated as of now he was participating in the hearing process this evening as a resident.

Mr. Daugherty asked whom the vice Chair was.

Secretary Ferencz responded, "You are."

Mr. Daugherty: Well then I will be chairing the meeting from this moment forward.

Mr. Poe: Then I need to be a resident also.

Trustee Likley: Are you on the school Board?

Mr. Poe: No.

Mr. Schmidt: But his wife is. He's a relative, it doesn't matter.

Mr. Daugherty: Isn't his property adjacent to the school?

Mr. Poe: Not to where the variance is being requested but to the school in general.

Mr. Daugherty: The applicant is the school and Mr. Poe is an adjacent property owner to the school as a whole, so that is an issue.

Secretary Ferencz: The applicant is the Cloverleaf School District.

Trustee Likley: If the Board feels this is an issue then Mr. Poe should abstain from the discussion and vote as well. However, because his wife is on the school board does not constitute that he must step down from the Board.

Mr. Poe: Last time the school board had an issue that came up I had to abstain from the vote but was part of the discussion.

Trustee Likley: Anyone on the Board can contact Mr. Thorne for his opinion.

Mr. Daugherty: Jack, are you going to declare yourself an interested party and recuse yourself from the Board?

Mr. Poe: Yes. I will speak only as a resident and abstain from the vote.

Mr. Daugherty: We still have a quorum so we can proceed with the hearing.

The applicant/representative Mr. Walkup, the Athletic Director was sworn in.

Mr. Daugherty: I need some clarification on the drawing presented and what the dimension is of the parking lot setback to the road right of way.

Mr. Walkup: I went out today and measured with a wheel and it is 50 ft. from the right of way. The code calls for it to be 70 ft. so we need a 20-ft. variance.

Mr. Oiler: Who laid the schematic out for the design of the ball field?

Mr. Walkup: I don't know it's been so long in the making.

Mr. Oiler: Can you tell me why the softball field cannot be moved back another 20 ft. so you would be even with the soccer field?

Mr. Walkup: One reason is there is a ravine back there. We just mapped out the general area as to where the two fields are going to be. It may not be the exact lay out but it will be in that area.

Mr. Micklas: So what precludes you from moving the softball field back? I walked back there on Friday and from where the pin is for home plate and first base it looks like there is more than 20-ft. back there before you go into the woods and it drops down.

Mr. Walkup: I don't know if it can or cannot be moved. The only thing to keep in mind is where we set the dugouts off of the baseline it will be 15 ft. or even more. Then we will have a small spectator area where people can bring their chairs or some low bleacher seats so I want to make sure we have enough room.

Mr. Schmidt: You are probably going to have 60-80 ft. from the baseline to the north. I would say for safety purposes you would not want to be 10 ft. from the back edge. As a resident I have no issues with this request.

Mr. Oiler made a motion to grant a 20 ft. front yard depth variance from Section 303 D. of the Zoning Resolution on behalf of Cloverleaf School District for Cloverleaf High School located at 7653 Buffham Rd. to construct a parking lot 50 ft. from the road right of way per the application dated 6-18-08 and other pertinent documentation submitted and to be classified as Exhibit A. It was second by Mr. Daugherty.
ROLL CALL-Oiler-yes, Daugherty-yes, Micklas-yes.

Vice Chair Daugherty turned the meeting back over to Chair Schmidt.

NEW BUSINESS

Chair Schmidt: I would like to bring up something under new business. A few weeks ago there was some correspondence back and forth in regards to site plan reviews. It use to be that the Zoning Commission did all the site plan reviews, then we (the BZA) started doing some of them. It seems this has created situations...like tonight. The Zoning Commission did the site plan review. If it is a conditional use the site plan is done by the BZA. I would like to make a recommendation to my fellow Board members to make a recommendation to the Trustees that all site plan reviews be completed by the Zoning Commission.

Trustee Likley: That would constitute a change in the Zoning Resolution.

Mr. Schmidt: Absolutely. I am asking the Board if they would like to make a recommendation to...

Trustee Likley: You can make a recommendation to the Zoning Commission.

Mr. Schmidt: I would like to make a recommendation then to both boards.

Secretary Ferencz: I don't know if you can do that per the ORC.

Mr. Schmidt: In the correspondence back and forth you (Trustee Likley) said you did not see anything in the ORC that we had to do site plans like we are currently. You can see this is going to be a real problem and the soccer fields are a prime example. A portion of the property is zoned RR and therefore the fields are a conditional use and heard by the BZA. The rest of the property is zoned LC and the site plan review will be handled by the Zoning Commission. We could have two completely different site plans.

Trustee Likley: It's two different districts.

Mr. Schmidt: Why? Why make this so complicated?

Trustee Likley: That was a recommendation made by the Pros. Office back in 1997-98.

Mr. Schmidt: No, we have not done it that way for that long of a time.

Trustee Likley: It was since the new Zoning Resolution was completed in 2001. This was the recommendation from North Star and the Pros. Office when we were writing the Resolution.

Mr. Daugherty: Is this the way other Township's do it? Usually they (Pros. Office) try to get us in line with everyone else.

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Secretary Ferencz: In the other Township's I have worked for any conditional use the site plan is heard by the BZA. For permitted uses site plans are heard by the Zoning Commission.

Trustee Likley: Why it is done that way I don't really know.

Secretary Ferencz: I believe that it is because under the ORC, the BZA has the authority to hear variances and conditionals. Therefore it is inferred the BZA would be responsible for site plans for conditional uses.

Trustee Likley: That makes sense as to why site plans are heard by each zoning board dependent on the type of use.

Mr. Daugherty: I would like to see site plan reviews done in conjunction with both Boards. They (ZC) do more of those than we do.

Trustee Likley: The significance of the site plan review is to make sure what is being built meets the setback requirements of the Zoning District. A site plan review is to determine zoning code compliance. When a site plan is part of a conditional use, the BZA is to determine if that use is conditionally permitted in that particular district on that piece of property. It is two separate processes. The ORC states that the BZA hears conditional use requests. Therefore the BZA hears the site plan for a conditional use. Is that review better served by the Zoning Commission, possibly so.

Mr. Schmidt: I think it is.

Mr. Daugherty: I think in the old code we had the ability to kick it back to the Zoning Commission to let them review what we were doing and have it come back. Did that get removed from the code? In the old code it stated the BZA could seek assistance from the Zoning Commission.

Trustee Likley: I don't know I came in during the middle of the re-write. You can still ask for assistance from the Zoning Commission.

Mr. Schmidt: We have the ability to ask for any assistance we want.

Mr. Poe: Should we have a site plan review workshop?

Mr. Schmidt: But we are not familiar with what should be done.

Mr. Poe: There are a lot of drawings and blueprints and I know from my personal experience it is hard to sit down and review a site plan and entertain questions during the meeting. It requires a special effort on the part of somebody who has the ability to do

such a review and look for all the details. Not everybody has that talent. It takes me a long time.

Mr. Daugherty: It would be nice to have one group that does that. I believe in the old code it allowed the BZA to have the Zoning Commission assist us in the site plan review process and make recommendations to the BZA.

Mr. Micklas: What makes you think the members on the Zoning Commission are any better reading the prints than anybody else?

Mr. Schmidt: It would be good to have one board who would do site plan reviews.

Trustee Likley: I will bring it up at one of our Trustee meetings when the agenda allows that it has come to my attention that the BZA would like to see all site plans reviewed by the Zoning Commission. If the Trustees agree we can pass a Resolution on to the Zoning Commission for a text amendment to the zoning code.

Mr. Schmidt: The soccer field is a prime example. It may only be this one incident now but what if more occur? It would be best if there was one board to do site plan reviews.

Trustee Likley: There will be a lot of play between the boards to make a site plan work if it is conditionally permitted.

Mr. Daugherty: I think the site plan review should be done by the Zoning Commission so they can determine all the variances that may need to be requested before the BZA. That way we don't have to try and pick apart the site plan to find any variances that may be needed.

Trustee Likley: And you guys shouldn't have to do that.

Mr. Daugherty: How many times does someone come in for a variance and then this Board finds that other variances are required.

Mr. Schmidt: Tonight was a prime example with the driveway width.

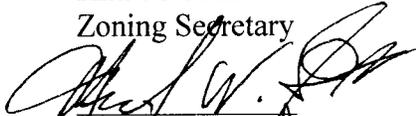
Trustee Likley: I will bring it before the Trustees and if we have a majority vote then we can begin the zoning text process.

Mr. Daugherty: There are probably other things in the Resolution that could be changed so there wouldn't just have to be this one text amendment.

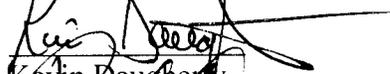
Trustee Likley: Also, please feel free to contact the Pros. Office about the recusement and abstention process of a Board member. Mr. Thorne also has a ruling about what constitutes an interested party in terms of participating on the board as a board member. Having no further business before the Board, Mr. Oiler made a motion to adjourn the meeting. It was second by Mr. Daugherty. All members were in favor. The meeting was officially adjourned at 9:35 p.m.

Respectfully Submitted

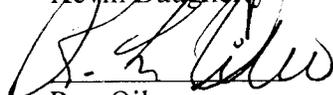
Kim Ferencz
Zoning Secretary



Mike Schmidt



Kevin Daugherty



Ron Oiler



Tom Micklas

Jack Poe