

Westfield Township Board of Zoning Appeals

Organizational Meeting
Public Hearing: Morning Star Farm Ministries, Inc.
January 12, 2015

Daugherty opened the BZA Organizational Meeting at 7:00 PM on January 12, 2015.

Attending: Simmerer, Stacy, Daugherty, Miller, McGlashan. Absent: Evans and Moore

Also attending: ZI Sims, Trustee Schmidt and attached list of residents

Organizational Meeting

Miller makes a motion to nominate Daugherty as Chair for the 2015 BZA board; seconded by Simmerer. Roll call: Stacy- aye, Daugherty- abstain, Miller- aye, McGlashan- aye, Simmerer- aye. The motion passes.

Simmerer makes a motion to nominate Miller for Vice-chair; seconded by Mc Glashan. Miller declines the nomination.

Miller makes a motion to nominate Wayne Moore as Vice-chair; seconded by Stacy. Roll call: Simmerer- aye, Stacy- aye, Daugherty- aye, Miller- aye, McGlashan- aye. The motion passes.

Simmerer makes a motion to accept the meeting minutes for December 16, 2015 as submitted; seconded by Miller. All members said Aye.

Simmerer makes a motion to close the Organizational Meeting; seconded by McGlashan. All members said Aye. The motion passes.

Public Hearing- Morning Star Farm Ministries, Inc.

Daugherty opened the Public Hearing at 7:10 PM. Roll call: Simmerer- aye, Stacy- aye, Daugherty- aye, Miller- aye, McGlashan.

Full board is present

Exhibit A- Map

Exhibit B- Map (Enlarged map of Map A)

Exhibit C-Request Letter of Recusal for Lee Evans written by Terry and Donna Bowers.

Daugherty introduces the case and provides guidelines to the residents in attendance regarding the Public Hearing process.

Daugherty provides background- Terry and Donna Bowers have been operating a Day Camp for the past (3) three years as a conditional use on their property. In 2014 they are requesting a (10) ten year conditional use with only (2) two changes to their existing conditional use permit. The application asks for the following: The use of the natural trail that is 100 feet from other properties, and (10) ten-year Conditional Use. The site has been surveyed and there is 120 feet from the lake to the neighboring

Westfield Township Board of Zoning Appeals

property. There is also adequate buffer around the Bower's property. The Bowers also know that any activities must be 100 feet from the property line.

Daugherty further explains to the residents the following procedures:

1. Applicant will speak and provide any witnesses or evidence for his case. They may be cross-examined by the BZA members.
2. Public Participation- entering any testimony or evidence for the BZA board to hear. Opinions will not be permitted.
3. Applicant will then allow for cross-examination
4. Public portion of the Public Hearing will then be closed and
5. The BZA will deliberate

Zoning Secretary Porter swears in the applicant Mr. Bowers of 9241 Friendsville Road.

Terry Bowers explains to the BZA members the day camp has been operating since March, 2009 under a Conditional Use Permit. He asks Zoning Inspector Sims to confirm that there have been no complaints or issues of violations. Mr. Bowers believes Morning Star Farm Ministries have been very cooperative with the BZA and with their neighbors. They have a site plan from 2012 and a professionally surveyed map. This is a day camp for young people and they plan activities that focus on farming, nature and Christian ideology.

The largest group is approximately 75 people and they operate (7) seven days a week from 9 AM until 7 PM. They are no longer under the jurisdiction of the Medina County Health Department but have never had a safety or accident during camp.

Also attending with Mr. Bowers are his Board of Directors, Treasure and his wife Donna. He is requesting a (10) ten year Conditional Use with the understanding that if there are any changes in operation they would have to come back before the BZA board.

Professional Witness- Ron Ferris a certified surveyor in the state of Ohio.

Bowers asked Ferris to discuss the fences and surveying of the property.

Ferris surveyed the property in 2013 and around the lake. The neck of the property is (450) four-hundred-fifty feet and has a (150) one-hundred foot buffer on the neck of the property. The driveway is accessible to the 100 foot Northside.

Daugherty clarified the (1) one condition that all activities that were not allowed at the neck of the farthest west end of the property but would be used for future activities because there are two parcels which allow the Bowers to have the proper buffers.

Bowers addressed some of the activities would include hay rides but would not be around the lake.

Miller clarified that the activities would be 100 feet from the property and 50 feet from the lake.

Westfield Township Board of Zoning Appeals

Bowers acknowledged that guests will be supervised and construction tape will keep guests from going into the areas that are the buffers. Fencing and 100ft. from boundaries according to 606-A-2 has also been addressed.

Ronald Ferris – 7363 Cleveland Massillon Road, Port Clinton Ohio 44216 was sworn in by Secretary Porter

- Mr. Ferris acknowledged exhibit A as the map he surveyed
- Exhibit B is a blown-up map of Exhibit A
- Explained where the existing fence is (North Property line) fence posts were there for fence on North and South (abutting the Quas property)
- Whitfield property has existing fence

BZA member Mr. Miller is marking Exhibit A with the fence area.

Daugherty clarified the neighboring properties for further discussion and that the east side of property there is no fence.

Mr. Bowers stated that there may be a need for an electric fence to keep the animals away from the lake. He also added that there was a natural barrier around the lake. Miller asked if the natural barrier would be cleaned up and Bowers did not think it would be.

Public Comments

John Shearing -7530 Greenwich Road- asked the Bowers if the East side of property was going to get a fence along part of his property.

John added- he felt that (10) ten years was too long. Five years would be more appropriate.

Kathy LeMar- 9220 Friendsville Road-asked about the last conditional and all activities would have to be on the north-side of the lake. Daugherty explained that all of the property would be able to be used for activities according to section 606-A-2.

Mrs. LeMar asked about the hayrides being (20) twenty feet from the lake.

Mr. Bowers agreed that hayrides around the lake would not be permitted due to safety issues.

Public Participation closed at 7:40 PM with no further comments

Miller asked for clarification- Bowers stated that there would not be another Fall Tour because too many people attended. Also noise is not a problem because they don't usually use bull horns or a speaker system.

Stacy asked if there would be nature trails around the lake and Bowers said yes and some fishing.

Discussion

ZI Sims- Clarified to the board the Agricultural Fence is already allowed in the zoning. Also, restricting walking would not be necessary since it is already allowed in the zoning so the board will

Westfield Township Board of Zoning Appeals

get rid of the words “supervised walks” as well as the use of a speaker system to amplify a voice is permitted as long as it does not cause an annoyance.

Pictures permitted as exhibit D and E- Patricia Quas- 9161 Friendsville Road-photos show where there are fence posts but not yet a fence along the North and South property line. Bowers said the majority of the fence is up.

Daugherty mentions that the fence is not 100% complete and in all fairness a fence is not even required.

Permitted Conditional Use Criteria:

1. Harmonious with and in accordance of the general objectives or with any specific objective of the land use and thoroughfare plan of current adoption.- All BZA members felt the application was harmonious.- **Unanimous (Permitted Conditional Use)**
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.- All members felt the application didn't disrupt the character of the area- **Unanimous**
3. Will not be hazardous or disturbing to existing or future neighboring uses.- All BZA members felt that the fences would help (but not a condition) and the application was not hazardous.- **Unanimous**
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole.- All BZA members felt it did not hinder the community.- **Unanimous**
5. Will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.- All BZA members felt this would not cause public problems to services.- **Unanimous**
6. Will be in compliance with State, County and Township regulations, including the Township Comprehensive Plan. - All BZA members felt there were no complaints from neighbors or from the Medina County Health Department.- **Unanimous**
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.- BZA members felt there were no problems with traffic or vehicles.- **Unanimous**

Daugherty now wanted to address the conditional being granted for 10 years.

Simmer felt 10 years was excessive and 5 years was appropriate since the Bowers have shown good faith.

All BZA members agreed (5) five years would be reasonable.

Granting the Conditional Use:

1. **(5) Five year Conditional Use Permit that expires on December 31, 2019.**
2. **No restrictions on the use of all of the property, including around the lake.**
3. **(100) One-hundred foot buffers around the property line.**

Westfield Township Board of Zoning Appeals

4. Compliance with Westfield Township Zoning Resolution Section 606-A (2,3,6,11,13,18,19) and 303 B-2-d

Stacy makes a motion to approve a (5) five year Conditional Use Permit to Morning Star Farm Ministries, Inc. with the stated conditions; seconded by McGlashan. Roll call; Simmerer- aye, Stacy- aye, Daugherty- aye, Miller- aye, McGlashan- aye. The motion passes.

Stacy makes a motion to adjourn the Public Hearing; seconded by McGlashan. All said Aye.

Respectfully submitted by:

Cheryl Porter, Zoning Secretary

Date approved: _____

Kevin Daugherty, BZA Chair

Wayne Moore, BZA Vice-chair

John Miller, BZA Member

Lee Evans, BZA Member

Keith Simmerer, BZA Member

Jim Stacy, BZA Alternate

Greg McGlashan, BZA Alternate

Westfield Township Board of Zoning Appeals
