

# Westfield Township Board of Zoning Appeals

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January 7, 2020

## Organizational Meeting

Attendance: Fleming, Moore, McGlashan, Thur.

Also in attendance: ZI Sims and Trustee Patterson

Absent: Stacy

Secretary Porter opened the Organizational Meeting at 6:30 PM.

Moore makes a motion to nominate Fleming as chairman; seconded by McGlashan. Roll call: Moore- aye, McGlashan- aye, Thur- aye, Fleming- abstain.

Thur makes a motion to nominate McGlashan for vice-chair; seconded by Moore. Roll call: Thur- aye, Moore- aye, Fleming- aye, McGlashan- abstain

Fleming makes a motion to accept the BZA Board Procedures; seconded by Mc Glashan. Roll call: Fleming- aye, Mc Glashan- aye, Thur- aye, Moore- aye.

Fleming makes a motion to accept the Sunshine Laws procedures; seconded by Moore. Roll call: Fleming- aye, Moore- aye, Thur- aye, McGlashan- aye.

Fleming makes a motion to accept the November 6, 2019 meeting minutes as submitted; seconded by Mc Glashan. Roll call: Fleming- aye, McGlashan- aye, Thur- aye, Moore- aye.

Fleming makes a motion to close the general business meeting at 6:40 PM; seconded by Moore. Roll call: Fleming- aye, Moore- aye, Thur- aye, McGlashan- aye.

## Public Hearing

Area Variance for Brett Weimer at 5805 Buffham Road, Seville, Ohio

Fleming makes a motion to open the Public Hearing for an area variance of twelve (12') feet to side yard setback at 5805 Buffham Road, Seville, Ohio 44273 as requested by Brett Weimer (property owner); seconded by Thur. Roll call: Fleming- aye, Thur- aye, Moore- aye, McGlashan- aye.

Chairman Fleming explained that there were only 4 members in attendance which does make a quorum and Mr. Weimer chose to move forward knowing that there could be a tied vote.

Chairman Fleming asked if there were any know conflicts with the board members and all acknowledged there were none.

Application- Exhibit "A"

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Public Notice- Exhibit "B"

ZI Sims explained that the application before the board was for the property at 5805 Buffham Road, Seville Ohio for an "Area Variance". This was a unique request since the agricultural structure was built in 2016 without a main dwelling on the property. The previous owner built the structure for the purpose of agriculture but did not use it for that. Instead he was in violation with the zoning code. Weimer the new owner would like a change of use from agricultural to general storage and obtain a zoning permit to build a dwelling. He would like the structure to be attached and used as a garage or an accessory building. Medina County Building Department reviewed the application on 1-31-2018 and he received a Certificate of Occupancy which included general storage. Mr. Weimer now has obtained current zoning application to build a house. The area variance is to attach the house to the structure (as a garage) but now would be a nonconforming use. The existing structure is nonconforming because it is too close to property line. Dwelling that will be built would be in compliance.

Fleming asked ZI Sims if she had discussed this with the Medina County Assistant Prosecutor Mike Lyons for a legal opinion.

ZI Sims stated that with a 13' (thirteen feet) variance the structure would no longer be considered nonconforming. The variance request would be for 13 feet and to attach the dwelling to the existing structure.

Fleming asked if the accessory building would be attached to the house.

- Resident letter was received by the Fiscal Officer with a note. The board was asked to accept the note into the record. John Cooper is the neighbor to the east and upon receipt of the letter the Fiscal Officer verified his driver's license.

Moore asked if the existing zoning certificate could the applicant build a house on the land in a different location.

Sims stated that house is a separate structure and could.

Brett Weimer of 610 Oakwood Drive, Lodi was sworn in. Weimer stated the dwelling will be a modular and he would like direct access to the garage. It is a new build and provided the board renderings of the house as exhibit "C1" and "C2" (2 pages).

Thur asked about neighbors and was told 100' to the creek (west) and the house is further than that.

Moore asked about the roof line of the dwelling and how would the roof of the garage be modified.

Weimer explained the pictures and stated it would be an improvement.

Fleming makes a motion to accept the letter (exhibit "D") from Cooper into the record; seconded by McGlashan. Roll call: Fleming, McGlashan, Thur and Moore- aye.

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There were no objections so the letter was entered.

Fleming makes a motion to close the public portion of the hearing; seconded by Thur. Roll call: Fleming, Thur, Moore, McGlashan- aye.

The board proceeded to use the Duncan Factors to analyze the variance.

#1. The property can yield a beneficial use without the variance- all board members said yes.

#2. The variance of 13' is substantial- all board members said yes.

#3. The essential character would not be altered- 2 board members (Thur and Fleming) and the essential character would be altered- 2 board members (Moore and McGlashan).

#4. The adjoining properties would suffer substantial detriment with the variance- 2 board members (Thur and Fleming) and the adjoining properties would not suffer substantial detriment with the variance- 2 board members ( Moore and McGlashan).

#5. The variance would not affect government services- all board members said it would not.

#6. The applicant purchased the property with the knowledge of zoning restrictions- 3 board members said yes(Thur, Moore and McGlashan )

Predicament can be obviated by some other means- 3 board members said no (Fleming, Moore and McGlashan)

#7. Spirit and intent would be observed- all board members said yes and Substantial justice will be done by granting the variance- all board members said it would.

McGlashan makes a motion to grant a 12' (twelve foot) variance at 5805 Buffham Road, Seville, Ohio per section 303 D.1 for variance of side yard setback with no conditions; seconded by Fleming. Roll call: McGlashan- aye, Fleming- aye, Thur- aye, Moore- aye. The variance has been granted.

McGlashan makes a motion to adjourn at 7:29 PM; seconded by Thur. All said aye.

March 5, 2020 at 6:30 PM is a training session.

Respectfully submitted by:

Cheryl Porter, Westfield Township Zoning Secretary

Date approved: January 7, 2021

# Westfield Township Board of Zoning Appeals

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Patrick Fleming, ZC Chairman

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Greg McGlashan, ZC Vice-chairman

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Wayne Moore, ZC Board Member

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Andrew Thur, ZC Board Member