

**WESTFIELD TOWNSHIP BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
JUNE 10, 2008**

Chairperson Kemp called the regular meeting of the Westfield Township Board of Zoning Commissioners to order at 7:30 p.m. Board members Heather Sturdevant, Susan Brewer, John Miller and Scott Anderson were in attendance. (See attendance sheet for complete attendance).

APPROVAL OF MAY 13, 2008 MEETING MINUTES

Ms. Sturdevant made a motion to approve the May 13, 2008 meeting minutes as corrected. It was second by Mr. Anderson.

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

NEW BUSINESS

Chair Kemp stated she received two letters from Bill Thorne regarding participation of a member who is not present, and the other on super majority vote. Chair Kemp stated that per the letter from Bill Thorne, the Ohio Supreme Court has ruled...any action by a public body requires that a quorum participate therein and that the majority of the quorum concur...Based on existing law, it is the Pros. Opinion that the Board of Appeals...can not by administrative rule deprive the majority of members, where a quorum is present, from deciding an issue before the Board. If there are three members present and the applicant wants a vote then you cannot stipulate it has to be a super majority, the vote of two rules.

Trustee Likley stated that ZC member Kevin Primer will be resigning due to work obligations. The alternate will be given the opportunity if they wish to be a permanent member otherwise the Trustees will look at the applications on file or advertise for the position accordingly.

Trustee Likely continued that payroll will need to be filled out by each ZC member for meetings, trainings and any other workshops or seminars attended accordingly and given to the Fiscal Officer. Mileage will be reimbursed if attending a meeting outside the Township limits. Mr. Miller asked if on the paystubs it could be stated what was being paid for so that a record could be kept by the Commission members. Trustee Likley stated he would look into that and ask the Fiscal Officer.

Mr. Evans stated that OPERS needs a record for every month for every board member on meetings etc. attended as well as for auditing purposes. The payroll can be given to the Secretary or left in the Fiscal Officers box at the Townhall. Copies can be given to the individual Commission members for record keeping purposes.

Chairperson Kemp asked if Mr. Thorne letter satisfied everyone's questions as it pertained to the By-Laws. Mr. Miller stated that the By-Laws stated that the Secretary and

the Chairperson sign all documents received by the Zoning Commission. Do all the Commission members need to sign them? Trustee Likley stated that the Fiscal Officer is the record keeper of everything that is received by the Township. Mr. Miller stated his question was did just the Secretary and the Chairperson need to sign the minutes? He stated that on page 2 of the By-Laws it states, "The Secretary together with the Chairperson or designee signs all documents of the Zoning Commission and assures property indexing of documents as public records." Trustee Likley stated it should probably state the sitting board at the time should sign and approve the minutes. It is the discretion of the Board. The vote of the members is in the minutes and the Secretary and Chair can sign the meeting minutes or all the members can sign the minutes.

Ms. Sturdevant stated that the practice has been the whole Board signs the minutes so the language in the By-Laws should reflect that accordingly. Regarding the indexing that could be Kim or Kim and Martha, whatever the Board decides.

Trustee Likley stated that the members should get copies of all documentation addressed to the Commission. If not signed by the Secretary it is stamped received by the Fiscal Officer. The original copy is then put in the file. Officially the Fiscal Officer is the record keeper for the Township. The Township has a records retention policy in place. The Board concurred with that in place they were comfortable with the existing language of the By-Lays.

Ms. Sturdevant made a motion to approve the Zoning Commission By-Laws as written. It was second by Mr. Anderson.

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

ZONING INSPECTOR UPDATE

Zoning Inspector Harris stated that the owner of Super 8 Motel called and asked if they could use an existing suite for living quarters for the manager so he could be on call 24-7 and serve as part-time security for the motel. He added that he wanted to know if the Commission would consider this an accessory use. ZI Harris added that he talked to the Pros. Office and their opinion is that it could be considered a permitted use and this was a common practice in the motel/hotel industry.

Mr. Anderson stated he did not see a problem with it as the renting of the suite was actually a decrease in the business use and also that this was common practice in the motel business. ZI Harris stated he has not looked the living quarters but it would probably be on the line of an efficiency suite. He added he did not know if it was a single individual or one with a family that would also be living in the quarters.

The Commission then discussed whether the living quarters would be a permitted use or an accessory use. Chair Kemp stated that this was addressed under Section 306 Highway Service and Commercial District. She added this was a common practice of having the

Manager of a motel have living quarters in the motel while he was working and if there was an Ass't Manager he/she would stay there while they were working. Chair Kemp stated she did not think either person holding these titles would be selling their permanent residence but would be living in these quarters while working for the motel. She added she felt it was just part of the permitted use of the motel.

ZI Harris stated that the suite was on the site plan when it was approved, but now it would be used for the manager's living quarters. Trustee Likley stated that Accessory Structures and Uses was addressed under Section 205 and felt that the living quarters was an accessory use.

There was further discussion between the Commission members on if the living quarters should be considered a permitted use or an accessory use. Chair Kemp stated she felt it was a part of the business operation itself (permitted) and did not feel it was incidental. The Commission then asked the following questions, How big will the suite be, are the living quarters just for the manager/assistant manager or will their entire family (if applicable) also be living with them in the suite? ZI Harris stated he did not have any answers to those questions. ZI Harris stated he would like the Commission to write a letter to that affect so that he could forward it to the owner of the motel. Ass't ZI Evans stated that if the Commission was going to draft a letter, they should specifically state 1 suite could be utilized as living quarters so as not to leave it wide open for interpretation.

Chairperson Kemp stated she would speak to Trina Devanney from the Pros. Office as that is whom ZI Harris had his conversation with, and discuss with her Sections 205A, 206A and 306 B. to determine which sections would be applicable in making the determination if the living quarters should be considered a permitted use or an accessory use. A letter would then be drafted after that conversation takes place.

REVIEW OF ERROR IN ZONING TEXT

Chairperson Kemp stated that the Fiscal Officer found an error in the Zoning Resolution. Under Section 807 D. (m) it states "If applicable, an erosion control plan as required by Section 205 H." However, the currently existing Section 205 H. addressed Exterior Loudspeakers which is not the correct section. This error was probably made during an update. Fiscal Officer Evans researched this and has suggested that since the Township does not have authority over an erosion control plan that the following language be adopted: Section 807 D. (m) If applicable, an erosion control plan as required by the Medina County Soil and Water District and or Medina County Storm Water Management.

Ms. Sturdevant made a motion to propose a text amendment of Section 807 D (m) to read, If applicable, an erosion control plan as required by the Medina County Soil and Water District and or Medina County Storm Water Management Permit. It was second by Mr. Miller.

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

Mr. Evans stated that often time's people get their storm water management permit but never come before the Township for review and approval. He added that whenever someone gets a storm water management permit that means they are moving a minimum of 5,000 sq. yards of dirt and they should get site plan approval. On the back of the permit it does state that the local regulations must be followed. Mr. Evans stated that possibly it could be put in the code that when a storm water management permit is applied for a site plan must be presented for review and approval by the Township. Trustee Likley stated the problem with that is there is no system in place when a permit is applied for that the County notify the Township of such so that the Township can make sure that a site plan review is applied for and completed.

ZI Harris stated he does receive a copy of the storm water management permit once it is applied for. He added that it doesn't mean they are digging a whole and removing 5,000 sq. ft. of dirt. If they are building a home, that would not require a site plan review. Mr. Evans interjected, but if they are putting in a driveway it would need to be 10 ft. from the property line and that is a zoning issue. ZI Harris stated that would be reviewed on the zoning certificate they would apply for regarding the construction of a new home.

Trustee Likley stated that the Township may not have control over erosion control plans but during a site plan review the Township does require that the applicant provide the Township with the information that a permit has been applied for and received by the County.

The example of Cloverleaf School was discussed as it related to this issue. Mr. Evans stated that if someone has to obtain a permit from Soil and Water than there should be some type of review done by the Township to see what is being done and if the grade of the land is being changed and what if any affects that may result in. Chair Kemp stated the school should have come before the Township for a site plan, but added that regarding the permit, the Township had no say as to the process the County follows to issue their permit.

Ms. Sturdevant stated that the applicant has an obligation to read the back of their permit from the County and if not then the Township should and in the schools case did issue a stop work order. Mr. Evans stated that he felt a fine schedule should be set in place to help with compliance and help the Zoning Inspector with enforcement. Ms. Sturdevant felt that was a good idea and suggested a fine schedule be presented to the Trustees for their review and adoption. This could be placed under Section 805 Schedule of Fees, Charges and Expenses and possible the fee could be the price of what the application costs that should have been applied for in the first place. Mr. Evans stated that he spoke with Secretary Ferencz about this and she stated that she could contact other Townships

to see if they have adopted a set of fines and if so the procedure they went through for such adoption.

Ms. Sturdevant stated under Section 806 E. it states, "Penalty. Whoever violates the provisions of this Resolution shall be fined as provided by the Ohio Revised Code." She added that the Commission should look at the ORC and see what it sets forth for penalties. Trustee Likley stated that there is a process that needs to be followed under Section 806 Enforcement which states what a violation is, inspection of the violation by the Zoning Inspector, a correction period (Any violation not corrected within a certain time period shall be reported to the County Pros. Office who shall initiate prosecution procedures), action of resolve or prevent the violation and then Penalty. This can take years to complete. Trustee Likley stated that under ORC 519.99 it states, "Penalties: Parties shall be fined not more than \$500.00"

SIGNAGE LANGUAGE REGULATIONS

The Board discussed the response received from the Medina County Dept. of Planning Services regarding the proposed revisions to Article IV Section 404, 405, 406 and 407 dated 04/22/08.

The first comment was that the sign Matrix needs to have a number or letter and should be set up as a table. The Commission decided that the table should be referred to as Section 406 C.

The second comment was the Matrix does not mention signs for subdivisions of 50 or greater sublots or for signs permitted as or part Conditional Uses by the BZA.

Trustee Likley responded he could see the Planning Commission's view point in that in the RR District for example allows for conditional uses such a church or a school. The probability of them wanting a larger sign than what is permitted is a reality and to do so they would need to apply for a variance. The sign language as drafted does not distinguish between a sign for a permitted use and a conditional use and the Planning Commission is bringing that to the Commission's attention. It is up to the Commission to determine if you want to make a section on signs for permitted uses and conditional uses especially for the RR and SR Districts.

The Commission then discussed the issue of the size of the signs (temporary and permanent) and the issue if a zoning certificate should be required. There was much discussion as to whether under the proposed Matrix Permanent Signs a Zoning Certificate would be required if the permanent sign was greater than 12-sq. ft. The Commission discussed as to whether there should be a cap on size of a sign especially in the RR and SR Districts to control signage in the residential districts. Ms. Sturdevant suggested investigating businesses to see on average how large their signage is. She added it would take some time but may be helpful to the Commission in drafting the signage language.

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Mr. Miller made a motion to table the signage discussion to a future meeting of the Commission. It was second by Mr. Anderson.

ROLL CALL-Miller-yes, Anderson-yes, Sturdevant-yes, Brewer-yes, Kemp-yes

The Commission next regularly scheduled monthly meeting will be July 8, 2008 at 7:30 p.m.

Mr. Miller made a motion to adjourn the meeting. It was second by Mr. Anderson. A roll call was taken. All members were in favor. The meeting was officially adjourned at 9:15 p.m.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary

Jill Kemp, Zoning Commission Chairperson

John Miller

Susan Brewer

Scott Anderson

Heather Sturdevant