WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS

Date: December 29th, 2021

Chair Fleming called the Board of Zoning Appeals Public Hearing to order at 6:34 pm after reciting the Pledge of Allegiance. Roll call: McGlashan-here, Thur-here, Heimberger-here, Kurtz-here, Perkowski-here, Fleming-here.

The board is hearing three (3) applications (Westfield Twp Zoning Regulations Sections 303-2D and 303-D1) for 9843 Wooster Pike, Seville, OH 44273, 6881 Buffham Rd., Seville, OH 44273, and 9265 Friendsville Rd. Seville, OH 44273. The first applicant (9843 Wooster Pike) is requesting a lot split of 1.93 acres. The second applicant (9265 Friendsville Rd.) and third applicant (6881 Buffham Rd.) are both requesting a side yard setback variance.

Also, in attendance are Julie Carr, Amy Banfield, Trustee Craig Horner, Ron Oiler, Stephanie & Abby Sczpanski, Jeff & Pattie Plumer, Joe Burgoon, John & Jennifer Syme, and Justin & Brittany Walker.

Chairman Fleming read the rules and procedures for the meeting. All members have reviewed the application prior to the meeting. Chair Fleming stated that he does have a conflict of interest with the application submitted by Justin & Brittany Walker (9265 Friendsville Rd). This was noted by the board. Chairman Fleming will recuse himself during their application review.

Assistant ZI Carr reviewed the first application with the board. She added there are zero violations on this property and that she has heard zero objections from the public or surrounding property owners. This is a lot split request. The lot would be 1.93 acres due to the construction of Route 3, which occurred many years ago.

Exhibit A- Zoning application
Exhibit B- newspaper publication

Sworn in is Joe Burgoon, of Lewis Land Professionals, representing Pattie and Jeff Plumer of 9843 Wooster Pike, Seville, OH. Mr. Burgoon stated that the North and the South 'pieces' of the parcel have homes and septic systems, they are however, split by state Route 3. The state of Ohio has an easement for the highway and does not actually own the land under the highway. Each parcel has their own address. The owners have owned/ lived there since the 1950's.

The board reviewed photos of the property.

No one opposed to the lot split.

ZI Carr stated that legal notifications and a sunshine notice were posted to all neighbors and in the local newspaper for notification.

Chair Fleming asked for any additional questions or comments from the board and public.

Thur made a motion to close the public portion of the meeting; seconded by McGlashan.

McGlashan made a motion to vote; seconded by Thur. Roll call: McGlashan- yes, Thur-yes, Heimberger-yes, Perkowski-yes, Kurtz-yes, Chairman Fleming- yes.

Fleming made a motion to grant the applicant for variance of Zoning section 303-D for 9843 Wooster Pike, Seville, OH 44273 as presented. McGlashan seconded the motion. Roll Call- McGlashan- approve,

Thur- approve, Heimberger- approve, Fleming- approve, Perkowski- approve, Kurtz- approve. **The lot split request is granted as submitted with no additional conditions.**

ZI Carr reviewed the next application with the board. She added there are zero violations on this property and that he has heard zero objections from the public or surrounding property owners. A side yard setback is requested by the landowner. The placement of the potential building is limited due to a gas line on the back of the property.

Exhibit A- Zoning application
Exhibit B- newspaper publication

Sworn in is Stephanie Sczpanski, landowner, at 9265 Friendsville Rd, Seville, OH. Ms. Sczpanski stated her property is limited due to other buildings already on the property. Sczpanski states that the property is not level and the preferred location for a new pole building is close to the property line. She is requesting a 10-foot variance to build a new pole building for outside storage.

The board reviewed photos of the property and potential pole building placement.

Chairman Fleming motions to close the public portion of the hearing; seconded by Heimberger.

McGlashan motions to approve a 10-foot variance to the South property line in accordance with section 303-D; seconded by Thur. Roll call: McGlashan-approve, Thur-approve, Heimberger-approve, Perkowski-approve, Kurtz-approve, Chairman Fleming-approve. **The side yard variance was granted. The application was granted as submitted.**

Chairman Fleming has recused himself for the third and final application. Vice-Chair McGlashan will now officiate the meeting.

ZI Carr reviewed the third application with the board. It was reported to her, from Chairman Fleming, that the building was built without a zoning certificate. ZI Carr shared that the Walker's reached out requesting a side yard variance. Upon discussion of the board, it was noted that the building would be used for vehicles and a goat pen.

Exhibit A- Zoning application
Exhibit B- newspaper publication
Exhibit C- picture from Pat Fleming (neighbor)

The applicant, Justin Walker, shared he put goats in the building one month ago. Since the application process started months prior to that, the board continued viewing the application as a pre-existing building needing to meet the setback requirements as presented to the board.

Sworn in is Justin Walker, landowner, at 6881 Buffham Rd. Seville, OH 44273. Justin noted that the property was a gift to them from a family member. The building was built in March 2020. Walker notes that there are goats in the building now, and therefore it is used for agricultural use. Mr. Walker stated that the building could not be placed any other place on the property. Previous ZI Sims did have the agricultural exemption form completed.

Sworn in is John Syme, contingent property owner. Syme has no concerns about the building.

Sworn in is Pat Fleming, contingent property owner. He shared that he is fine with the building but did share that the building was not being used for agricultural purposes. Which is why he requested they get a side yard variance from the BZA.

The board decided to go forward with voting on the application as presented.

Thur motioned to close the public portion of the hearing; seconded by Heimberger.

Thur made a motion to approve a side yard setback variance for Justin & Brittany Walker at 6881 Buffham Rd. Seville, OH 44273, as per section 303-2D; seconded by Heimberger. Roll Call- McGlashan-approve, Thur – approve, Heimberger- approve, Fleming- abstain, Perkowski-approve, Kurtz-approve. **The side yard variance was granted. The application was granted as submitted.**

Chairman Fleming returned to officiate the remainder of the meeting.

Fleming motioned to open the business portion of the meeting; seconded by Thur.

The board discussed the need to vote for a new chairman to fill the vacated position created by Chairman Pat Fleming stepping down. It was determined that the board would hold a special meeting on January 11th, 2022, to vote on a new BZA Chair.

Fleming motioned to approve the meeting minutes from September 28th, 2021, as presented; seconded by Heimberger. Roll call: McGlashan-aye, Fleming-aye, Thur-aye, Heimberger-aye, Kurtz-abstain, Perkowski-abstain. Motion passes.

Fleming motioned to adjourn the meeting at 8:06pm; seconded by Thur. Meeting adjourned.

Respectfully submitted,

Amy M. Banfield, Zoning Secretary

Pat Fleming, Chair

Greg Heimberger

Andrew Thur

Greg McGlashan

Dale Perkowski

Jack Kurtz