

**WESTFIELD TOWNSHIP  
BOARD OF ZONING APPEALS  
PUBLIC MEETING  
MAY 27, 2010**

Chair Schmidt called the public meeting of the Westfield Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members Daugherty, Micklas, Simmerer LeMar and Schmidt were present. Alternate Board member Dwayne Kramer was also in attendance. Others in attendance were as follows: Daryl Kubilus, Ed Shearson, Ron Oiler, Sue Brewer, Heather Sturdevant, Gary Harris, and Matt Whitmer.

**MINUTES**

The minutes from the Board's May 6, 2010 hearing were distributed to the Board members. The members decided to table the approval of the minutes until their next meeting.

It was at this time Chair Schmidt recused himself from the meeting. Vice Chair Daugherty took over the chairing of the meeting. Alternate Board member Kramer sat in for a full Board.

**Cloverleaf Elementary School Signage Request-8337 Friendsville Rd.**

Mr. Ed Shearson from TDA Architecture represented Cloverleaf Elementary School. Vice Chair Daugherty stated the standard to review the signage request is different than the previous request for a variance. Mr. Thorne from the Pros. Office sent a letter regarding the proper procedure. Board member LeMar read the highlights of Mr. Thorne's letter as follows:

"I have been requested to present the Board with some guidelines as to the standards that are applicable in a situation where governmental entities are proposing to locate within the Township facilities or activities that normally would be subject to the Westfield Township zoning code.

In such situations the courts have held that the governmental entity proposing to operate the activity or build the facility, is not required to go through the technical processes to obtain a variance, zoning permit, or other formal Township approval. What that entity is required to do is to attempt to comply with the Township's zoning code substantive provisions, and, to the extent that it believes that it can not do so and still perform its governmental services, attempt to work out with the Township, generally directly with the Township Trustees, a solution that in the opinion of both governmental entities best serves the public interest.

What that means is that in such situations the Township is supposed to weigh the public interest in compliance with the zoning code, against the public interest in allowing the other governmental entity to pursue their project or activity in the way proposed, and

## Page 2 Westfield Township Board of Zoning Appeals May 27, 2010

determine initially where the greater good lies, and if possible a resolution not requiring strict compliance but one still acceptable to the Township, as best serving the overall public needs of its residents. In such instances neither the Duncan Factors, nor Unnecessary Hardship Factors are applicable. The issue is how can the difference between the parties best be resolved in the interest of its residents...It is a balancing test, with the public interest the key factor, not the desire of one governmental entity to do what they want to do, or the other to enforce its zoning code no matter what..."

Vice Chair Daugherty asked Mr. Shearson to explain to the Board why the school needs signage larger than what is permitted in the Zoning Resolution and that best serves the public interest.

Mr. Shearson stated the school was proposing two signs; one on Buffham Rd. and the other sign between the two entry drives on Friendsville Rd. Only one sign is permitted. The size of the signs will be 55 sq. ft. each and the signs will be internally illuminated. There will also be a changeable portion on the sign for informational purposes.

Mr. Shearson then gave the following reasons for the school's need for larger signage that would benefit the public interest as follows:

1. This is a brand new school and an important public building to the community. It will be a destination for a large segment of the community.
2. It is important for a school to be planned appropriately and signage is one of the items that are included in the planning process.
3. It is important to mark the entry to a public building not only for the public as a whole but for safety services as well.
4. This will be the first time for some parents taking their kids to a new school and identification is an important aspect
5. Signage is important for traffic flow
6. The changeable portion of the sign will alert the public to up and coming events at the school
7. A larger sign allows for larger letters to be used to be readable from a distance especially due the speed of the roads
8. The school is setback from Buffham and Friendsville Rds. so a larger sign will give presence at the street
9. A larger sign will differentiate the new elementary from the high school. There will be shrubs put in at the base of the sign.
10. This is a growing community so signs are important to differentiate the school as a public institution from other businesses

Mr. Daryl Kubilis Superintendent of the Cloverleaf School District addressed the Board. He stated the reason he and Mr. Shearson were present this evening is to be in the spirit of cooperation with the Township. He added one of his goals was to have clear consistent communication with parents. The proposed signage will provide that ability. Mr. Kubilis

### **Page 3 Westfield Township Board of Zoning Appeals May 27, 2010**

stated Friendsville Rd. is a 50 mph road. The District made an attempt to get the speed reduced for student safety. With individuals driving at that speed it would be difficult to see or recognize a 4x3 sq. ft. sign as permitted in the zoning code. The proposed sign would also be in the same spirit as the sign currently at the high school. Mr. Kubilis thanked the Board for their consideration.

Mrs. LeMar asked if anybody has tried to get a four way stop at Friendsville and Buffham Rd.? She added there is precedent as there is a four way stop at Friendsville and Chippewa Rd. as well as at Greenwich and Friendsville Rd. A four way stop at Friendsville and Buffham Rd. would slow traffic down and help the buses navigate.

Mr. Kubilis responded when the traffic study was done to look at reducing the speed on Friendsville Rd. the variables used did not warrant a reduction in speed. He added that he had not researched a four way stop on Friendsville and Buffham Rd.

Mr. Schmidt stated he has been on the school board for 10 yrs. and it took 4 yrs. and 4 deaths to get the traffic light put in at Rt. 224 and Friendsville Rd. Mr. Micklas commented that a four way stop at Friendsville and Buffham Rd. would only increase the congestion of traffic at that intersection. He added since the light went in at Rt. 224 there has been a tremendous increase of traffic on Buffham Rd. as it is used as a bypass to get around that light.

Mr. Micklas then commented on the statement made by Mr. Shearson about the signs being a means of communication with parents. He stated that if there was a parent/teacher conference parents would be notified by a note home, website or e-mail therefore the signs would not be a major part of communication. Mr. Kubilis responded because this is an elementary school parents do frequent the school and what he has learned is you can never over communicate with parents. Notes can be sent home and e-mails sent but he could not make parents read them. However when parents drop off or pick up their children at school it would be nice to have a sign to communicate information and for a sign to be part of the communication with parents.

Mr. Kramer stated he understood Mr. Kubilis' comments and asked why two signs were needed or why could at least one sign be in compliance with the zoning code? Mr. Kubilis stated the reason was that there were 2 entrances to the elementary. One entrance will be a parent entrance in the morning and that is to keep cars away from the buses. The long driveway on Buffham is for parents to drop off in the morning. The other loop entrance is for bus drop off. After school when there are activities and community events the District planned on having both entrances available for parking. Also the Friendsville Rd. entrance is actually in front of where the school is located. Mr. Kubilis continued he did not believe the school could even be seen from the Buffham Rd. entrance. Therefore two signs are being requested for visibility and traffic. During the morning and during the school day he did not want the public accessing the school from Friendsville Rd. He then concluded that there would be small directional signs used as well to direct traffic flow.

**Page 4 Westfield Township Board of Zoning Appeals May 27, 2010**

Mr. Micklas stated at the last meeting regarding the elementary school it was stated the Buffham Rd. entrance was going to be used for deliveries and staff parking and parents were to drop off their children at the Friendsville Rd. entrance. Mr. Kubilis stated that was not correct and showed Mr. Micklas the traffic flow and parking on the site plan. Mr. Micklas stated he would review the previous meeting minutes as he thought that was the case.

Mrs. LeMar asked why the proposed signs were not the same sign design as the high school to enhance the campus environment of all the schools at the site? Mr. Shearson stated the colors and material of the proposed signs match the architecture of the new school building. Mr. Micklas asked if the sign at the high school is illuminated? It was stated it was not known. Mrs. LeMar then commented that there is no sign in front of the middle school just flat lettering on the building and stated the District may want to consider a sign for the middle school for identification purposes. Mr. Schmidt stated the sign at the high school was a Boy Scout project and they obtained a variance for the sign.

Vice Chair Daugherty stated he had no issues with the school having two signs as the school has presence on both roads. Mr. Shearson stated the proposed signs would be on a timer and photocell where the signs could be shut off as not to be a disturbance to the residents in the area even though the houses in the area are setback from the road and located a far distance from the school.

Mr. Micklas asked if there was a house directly across the street from the new school on Friendsville Rd. Mr. Shearson stated yes but the house sat back 100 ft. from the road. The houses close to the school were at least a football field away and reiterated the lights could be shut off at predetermined time.

Zoning Inspector Matt Whitmer addressed the Board. He stated he and Lee Evans went out and inspected where the proposed signs were to be located and viewed the site lines. There was no issue with being able to see traffic from either direction from each entrance. He added the sign on Buffham Rd. would be 15-20 ft. from the right of way instead of 10 ft. due to the existing waterline.

Mr. Whitmer stated he now wanted to address the Board as a parent. He added yes notes and e-mails were sent out to communicate conferences etc. to parents, but when he drove to the school and saw information on the sign it reminded him about that event or day off or when conferences would be scheduled etc.

Vice Chair Daugherty stated there were 2 signs at the high school and the size of the proposed signage for the new elementary was actually smaller than the two signs over at the high school. There should be two signs as there are two entrances for the new elementary school. Vice Chair Daugherty stated another issue to consider is the dip on Friendsville Rd. as there are some site issues there; as well as on Buffham Rd. with the

**Page 5 Westfield Township Board of Zoning Appeals May 27, 2010**

tennis courts as well as the speed limit on those roads. Therefore, Vice Chair Daugherty stated he personally felt that larger signs were needed as a result of these issues. Vice Chair Daugherty continued that it appeared there would be several variances needed for the proposed signage such as variances for the second sign, the size of both signs, the height of both signs and the internal illumination of the signs.

Mr. Kramer stated he put 4 children through Cloverleaf schools and he and his wife still attend events at the school. The signs provide information to him and his wife as his kids no longer attend and he and his wife do not have internet and email access. He added he did not have a problem with the size of the signs just some hesitation on the need for two signs.

Mr. Simmerer stated he felt since there will be two entrances for the new school there should be two signs. He added he felt inadequately sized signs are dangerous as there people who are unfamiliar with the area coming to the school at times driving on a 50 mph road. If there is no signage individuals could unexpectedly slam on their brakes or have to pull into residential driveways causing potential traffic hazards. Mr. Simmerer continued that the requirement of 12 sq. ft. for a sign was inadequate and would not be in the best interest of the community. Mr. Simmerer asked the letter height of the reader board portion of the sign? Mr. Shearson responded the lettering would be 6-8 inches in height. Mr. Simmerer stated for readability you need 1 inch for every ten ft. in height for optimum viewing especially on a 50 mph road. He concluded that having the signs to convey information especially to those who do not have children attending the school or computer access is important. Internal illumination would help facilitate the view and readability of the signs especially in the winter time and evening hours.

Mrs. LeMar stated she agreed with the variances but still felt a 4way stop at Friendsville and Buffham was warranted.

Mr. Micklas stated during the day Friendsville and Buffham Rd. were 20 mph in the school zones. He added he had a problem with the illumination and did not want to see the lights on 24 hrs. 7 days a week. The lights should be shut down when there are no events because the school is located in a rural residential district and there will be enough light pollution from the school site itself. Mr. Kubilis stated the illumination would be controlled by photo sensors that could be timed to go off and not even be on during the day. He added it was not his intention to leave the lights on all night.

Mr. Shearson stated even the pole lighting on the school site can be controlled to save electricity and money. Mr. Kubilis interjected this is done at the high school. Mr. Kramer stated that the parking lot lights at the high school are on 24 hrs. a day 7 days a week. Mr. Micklas stated the stadium lights are on at times during the winter months 3-4 nights a week and there is nothing going on at the stadium. Mr. Kubilis stated he was unaware of that situation but would have that conversation at the high school tomorrow as there was no excuse for that to be happening.

**Page 6 Westfield Township Board of Zoning Appeals May 27, 2010**

Mr. Schmidt stated leaving lights on has proven to be a safety factor and deterrent for criminal activities. Mr. Kubilis stated that is true but not all the lights had to be on and that could be controlled.

Vice Chair Daugherty stated the requirement for a 12 sq. ft. sign was not adequate for a public building and would not be in the best interest of the public good.

Mr. Micklas made a motion to make a recommendation to the Township Trustees for the new Cloverleaf Elementary School to be permitted 2, double-sided, internally illuminated identification signs each 55 sq. ft. in size and 6'10" in height per the application submitted as Exhibit A. It was seconded by Mr. Kramer.

ROLL CALL-Micklas-yes, Kramer-yes, Simmerer-yes, LeMar-yes, Daugherty-yes.

Mr. Shearson asked when this would go before the Trustees? Secretary Ferencz suggested Mr. Shearson contact the Fiscal Officer to see about this item being placed on the Trustees agenda.

**MISC.**

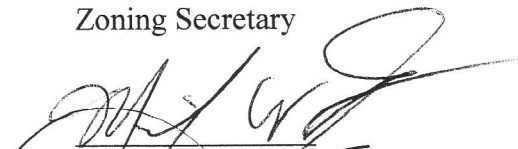
Mr. Kramer made a motion to create a policy for the Board of Zoning Appeals to sign meeting minutes within 30 days of a hearing/meeting. It was seconded by Mr. Micklas. ROLL CALL-Kramer-yes, Micklas-yes, LeMar-yes, Simmerer-yes, Daugherty-yes.

Secretary Ferencz stated this policy would have to become part of the Boards Rules of Procedure.

Having no further business before the Board, Mr. Daugherty made a motion to adjourn the meeting. It was second by Mr. Micklas. All Board members were in favor. The meeting was officially adjourned at 8:30 p.m.

Respectfully Submitted

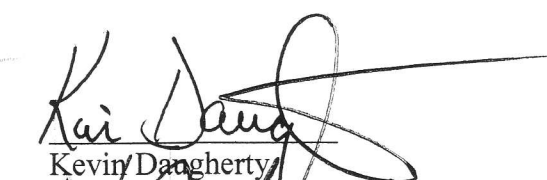
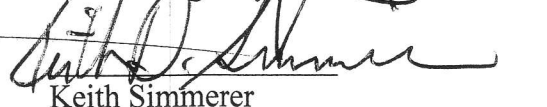
Kim Ferencz  
Zoning Secretary



Mike Schmidt



Tom Micklas

Kevin Daugherty

Keith Simmerer

Dwayne Kramer

Kathleen LeMar