

Westfield Township  
Board of Zoning Appeals

Meeting Minutes of January 3, 2013

Organizational Meeting

Secretary Sherry Clarkson called the organizational meeting of the Westfield Township Board of Zoning Appeals to order at 7:20 pm. Board members present were: Patricia Kwas, Wayne Moore, Michael Schmidt, Kevin Daugherty and Lee Evans. Ms. Kathleen Lemar was not in attendance.

Secretary Clarkson asked if there were any nominations to be brought before the Board for Chairman. A proxy was read by Patricia Kwas, written by Kathleen Lemar to nominate Lee Evans for Chairman. A second to the motion brought before the floor was not made. Lee Evans made a motion to nominate Michael Schmidt to the position of Chairman. A second to the motion was made by Kevin Daugherty. All nominations were closed and a roll call was taken by the secretary for nomination of Mike Schmidt as Chairman of the Zoning Appeals Board. Roll call as follows: Patricia Kwas-aye, Wayne Moore-aye, Michael Schmidt-abstain, Kevin Daugherty-aye and Lee Evans-aye. The nomination of Michael Schmidt as Chairman for the 2013-14 year passes.

Chairman Schmidt called for nomination for Co-Chairman. A nomination was made by Kevin Daugherty to nominate Lee Evans as Co-Chairman. A second to the motion was made by Wayne Moore. A roll call was taken as follows: Patricia Kwas-aye, Wayne Moore-aye, Michael Schmidt-aye, Kevin Daugherty-aye, and Lee Evans-abstain. The nomination of Lee Evans as Co-Chairman for the 2013-13 year passes..

Chairman Schmidt also advised members we need a board representative to the Zoning Inspector. Mr. Lee Evans advised since he is always available, he would like to continue to be the representative to the Zoning Inspector, all members were in agreement. No vote was taken.

Chairman Schmidt advised the Rules of Procedure were updated at the May 2013 meeting and asked if there were any changes, as everything was in order. No change/corrections were made to the current Rules of Procedure. A motion was made by Lee Evans to accept the Rules of Procedure as they are, and a second to the motion was made by Patricia Kwas. A roll call vote was taken as follows: Patricia Kwas-aye, Wayne Moore-aye, Kevin Daugherty-aye, Lee Evans-aye, and Michael Schmidt-aye. All were in favor.

Update by Zoning Inspector

Matt Witmer provided an update to North Coast Soccer advising they had a trailer, patio, trailer concession stand and embankments in the grassy areas for parking. Mr. Witmer advised they have complied with our request and all items have been removed/and or taken down. He advised they can come back to the board and request to have this, but they need to place a request to the board vs. just putting up.

Minutes of the November 15, 2012 meeting

Lee Evans advised on Page 2, second line is typed fruition, does this mean completion? If so, can we use this word instead? Secretary Clarkson advised yes. Lee Evans also advised further down, line 4 can we add with the building, vs. with building. Chairman Schmidt advised

Kathleen Lemar made a comment, which should be inserted at the bottom of page 2. whereby Chairman Schmidt asked Kathleen Lemar if she had visited the site and she replied no. On page 4, Other Business, correct recusing. Matt Witmer advised with reference to the permit applied for at a previous meeting, which was declined, the applicant came back and applied for a permit and is building out the back of the current building With no other corrections/additions, Chairman Schmidt asked for a motion to accept the minutes as presented with the corrections. A motion was made by Lee Evans to accept the minutes as presented with corrections. A second to the motion was made by Patricia Kwas. A roll call was taken: Patricia Kwas-aye, Wayne Moore-aye, Kevin Daugherty, Lee Evans-aye, and Michael Schmidt-aye. All were in favor.

With nothing further on our organizational meeting, Chairman Schmidt asked for a motion to adjourn our organizational meeting. A motion was made by Lee Evans to adjourn the organizational meeting at 7:28 pm. A second to the motion was made by Kevin Daugherty. A roll call was taken: Patricia Kwas-aye, Wayne Moore-aye, Kevin Daugherty-aye, Lee Evans-aye, and Michael Schmidt-aye. The meeting was adjourned at 7:28 pm.

Chairman Schmidt advised Patricia Kwas would be recusing her seat on the board for the public hearing meeting, due to the fact that she is a contingent land owner of the application being brought before the board and Mr. Larry Bensinger, would be replacing her. Chairman Schmidt advised Mr. Bensinger was a previous board member.

#### Public Hearing Meeting

Chairman Schmidt called the meeting to order at 7:32 pm and asked for a roll call. A roll call was taken and members present: Larry Bensinger, Wayne Moore, Kevin Daugherty, Lee Evans, Michael Schmidt and BZA secretary Sherry Clarkson.

Guests in attendance: Terry Bower, Larry Morgan, Gary Proush, Melissa Willard, Gary Burroway, Laura Jones, Donna Bower, Randy D. Hillard Jr., Tammy Linden, Joe Linden, Randy Willard, Darrell Hamlin, Norma Davis, Matt Witmer, John Scheiring, Tom & Lois Yaeger, Susan Whitfield, Jim Likley, Ron Oiler, and Martha Evans (refer to sign in sheet attached).

Chairman Schmidt advised before members tonight at the meeting was an application made by Terry & Donna Bower and Morning Star Farm Ministries, Inc, 9241 Friendsville Road, Seville, Ohio 44273. The application (amended) on November 20, 2012 was submitted to the zoning inspector. All members present were mailed the packet of information. This application is for a Conditional Use for a five year period ending December 31, 2017. Current zoning is RR Agriculture and "Primitive Day Camp" consisting of 37 acres of land. The description of the Conditional Use: Westfield Township Zoning Resolution #303 (B) (2) (d).

Mr. Terry Bower, applicant residing at 9241 Friendsville Road, Seville, Ohio was sworn in by the zoning secretary. Mr. Bower advised the application submitted to members stands as written and he is available to answer any questions members may have.

Chairman Schmidt advised in looking at the application, applicant is looking for a five year period ending December 31, 2017. Currently the Conditional Use application granted prior expires December 31, 2012. Chairman Schmidt provided those in attendance with the current resolution for operation and recreational activities, expiring 12/31/2012.

- Conditional Use permit will expire 12/31/2012
- The maximum number of guests on the property shall not exceed 60 excluding staff
- Hours of operation shall be 9:00 am -9:00 pm, seven days a week
- Activities will be limited to designated areas as marked on Exhibit A but these activities shall not be located further west than the eastern most line of the Borchart property; all activities shall be subject to Section 606A2; the lake and pond are included as activity areas and no guest related activities are to be conducted on the north side of the lake.
- Only the following activities are permitted: outdoor games, such as basketball, softball, volleyball, hiking, horseshoes, corn hole, equine activities, boating, fishing, winter outdoor activities and other similar outdoor and indoor games including hayrides.
- This conditional permit is also subject to Section 606A, #2, #3, #6, #11, #13, #18, and #19.

**Changes requested by Permit Holders for Future Conditional Use Permit:**

- **Conditional Use Permit to expire December 31, 2017**
- **Maximum number of guests on the property not to exceed 90 excluding staff (increase by 30)**
- **Hours of Operation- no change requested**
- **Only change requested to add: "MSFM staff supervised nature hikes on a maximum of 10 guests around the lake edge on the north side and in wooded areas of Bower farm property"**
- **Activities – no change requested**
- **Requesting subsection 606(A) to include: "Sound amplification within buildings or tent". These would not be loudspeakers and/or amplifiers which would cause a hazard or annoyance to nearby residences.**

**No other changes in current resolution are being requested.**

Chairman Schmidt asked applicant to advise further information on nature hikes. Mr. Bower advised he would like a trained staff member to take a small group of students (10) around the lake on nature walks. They would stay at least 100 ft. from property boundaries. Chairman Schmidt asked Mr. Bower to show this on the map. Mr. Bensing advised that there is a very large area of woods on the map and asked for further clarification. It was noted woods in question are on the south side. Mr. Daugherty advised "Not only do you want to go around the lake, northern section of pond is near adjacent property owners, you want to include the whole lake and woods on the southeast corner?" Mr. Bower advised to include the dam, which is within 3-4 ft within the lake. "This is where the concern was the last time" advised Mr. Daugherty, "We just excluded it as it was very close, within 100 ft." Mr. Bower asked for passive activity in this area, no archery, or 4 wheelers. Mr. Bower advised he has 150 ft. as per the map cites. When this was pulled up on Google 100 ft, went into the lake, cited Mr. Daugherty. Matt Witmer advised it is not 150 ft. as per the map which is incorrect. Board members took a scale and measured showing the applicant that his property does not meet 150 ft. Mr. Bower advised they found their pins on the property, as a surveyor was out and pinned the area. It was noted the pins may be accurate, but the map does not reflect this. Mr. Bower advised the surveyor did not draw up the map; it was done by someone else. Mr. Daugherty advised "Last time, due to the footage, this is why this was not allowed." " If it is allowed, it would become an enforcement problem for Matt Witmer the zoning inspector." advised Mr. Daugherty. Item #6 was read by Chairman Schmidt as regards to include sound amplification. Before going any further, Mr.

Daugherty asked "How many functions were held over the past year?" Mr. Bower advised between 6-8 were held. It is asked that everyone sign in and the health department requires all animals (dogs) to be signed in. Mr. Bower advised they had to turn down some individuals at these functions like a wedding due to the number of people showing up. He advised there would be times that they may go over their limit (family reunions) and would not like to turn these individuals away. They can only have as many people at the function, which would fit under the tent. Mr. Daugherty advised "In looking at #6, it does not cover weddings as just stated by Mr. Bower." Mr. Daugherty asked "Where does a wedding fall into place?" Mr. Bower advised #6 identifies physical activities. Mr. Evans advised "Primitive Day Camp nowhere does it state wedding activities". Mr. Bower advised "Primitive Day Camp" applies to the usage the health department provided. Mr. Besinger asked "Does the applicant have any exact way of knowing who is on the property, since individuals may not sign in?" Mr. Bower advised they go directly to the individual in charge of the function, key contact person and they obtain the exact number of individuals on the property. Chairman Schmidt asked "Last year did the applicant have any events vs. activities, we want to be sure we are on the same page of what is going to be held on property." "A family reunion or a wedding is not a primitive day camp. The board needs to know exactly what you are doing, at the time you are doing this." Mr. Bower advised they want groups of people to come to the farm, the central part of their unit is to have groups out there, and as an example, you can have a bible study but not a reunion or a wedding. We want to just have groups of people out to the farm. In looking at previous meeting minutes (for previous conditional use), Mr. Besinger advised, the applicant advised they had two functions, family reunions. Mr. Daugherty advised if you look at 303 2b, Governmentally owned or privately owned and/or operated recreation areas which include overnight camping, either as a primary or secondary activity (Items use is subject to the following subsections of code 606- 11, 13, 18, 19 & 25). Mr. Daugherty advised we are getting into a cloudy area here. Chairman Schmidt advised if each item is listed, the more definitive we are the more restrictive we become. There may be some "muddling" of what we are trying to define. Mr. Bower advised this is the third application of paperwork they have completed, he had the email from Matt and advised they were trying to be as complete as possible, going back we were never asked to have what types of groups at the farm. Mr. Daugherty advised we do not want things to become an issue; we want to treat them as benign in nature as possible. Mr. Bower advised they do not have four-wheeling, or skeet-shooting, which can become a menace to everyone, they just want outdoor family functions. Mr. Daugherty advised "Here is the question, if you have a group of people sitting under a tent, does this consist of an outdoor activity?" "If you have a wedding or reunion, you don't need a permit do you?" Mr. Evans advised "No, because it is a onetime event. If you do this continuously, you have a problem.". It was noted by Chairman Schmidt and Mr. Daugherty, "The door is already open.... We need to agree to the changes, have there been any problems arising, people, traffic or noise?" Mr. Bower advised no one has come to them with problems, areas where individuals are allowed are staked out and people are advised not to go beyond them.

Mr. Matt Witmer, zoning inspector was sworn in by the zoning secretary. Chairman Schmidt asked if Matt has gotten any problem/issues regarding the farm. Matt advised "No, he has heard nothing either way." Until Mr. Bower came with the renewal application, he has heard nothing about this. Mr. Schmidt advised "If someone has had a problem, they should have come before the zoning inspector, as this was a conditional zoning use."

Mrs. Donna Bower was sworn in by the zoning secretary. She advised it is a fine line between Terry & Donna Bower's home and what they are allowed to do. She advised she trusts the board members that they are doing everything that they can do to meet the requirements of the board.

Mr. Bensinger advised the applicants had a log of events of everyone who signs in. It is understood as correctly presented that there were 6-8 events. Mr. Bowers advised in May a partner appreciation open house was held, a fish-a-thon, fall farm fest, a free event for people to come and go, nothing more was heavily attended. They realize they are on trial and they held individuals to a minimum. The book is broken down as to what the Health Department has required: A sign in log, animal log and an accident log, which no accidents have occurred to date. Mr. Bower cited a birthday party for an 80 year old as an example. Events were not heavily attended. Mr. Bensinger advised in looking at the book, "It does not reflect any item was heavily attended, he questioned why ask for the increase? Are you wanting to change your focus to bring in more or larger groups?" Mr. Bower advised they haven't changed their focus one bit, being under restrictions, they did not have large events. Mr. Bensinger advised "Going forward, there will still be restrictions, not saying that you haven't been a good steward, I just need to understand and or wondering about in the back of my mind is have you held back because of restrictions placed upon you, will this change how you move forward?" Mr. Bower advised they have strict regulations, no alcohol or smoking on property everyone must meet rules and if a family reunion and they want alcohol, they cannot have. "Has anyone broken rules," asked Mr. Bensinger? Mr. Bower advised they have a contact person for our group and one will be assigned to the guest group, if issues arise, the point person comes to Mr. Bower direct and he goes to the point person of the group and addresses the problem directly. We will not allow this to get out of hand. Questions arose from the board on how do you handle 90, you were at 60 before? We want to make sure no blockage on the road from our driveway, what would 30 additional cars create. Mr. Bower advised in 2010, they had 30 volunteers and 2750 visitors in two afternoons and everything was handled very satisfactorily. Everything was done to perfection. We base everything we do based upon the activity and make sure everything is covered as to what the group will need. If we have a group of 10, we have 2-3 volunteers; if 60 we may have 10 volunteers.

Chairman Schmidt asked if the board feel better with 75 rather than a large jump. Mr. Bensinger advised it depended upon the event being held. If you have all at once, or do you have over a two day event, this makes a difference. Mr. Bower advised they will make themselves worthy of whatever number the board agrees with.

The other item of discussion is a sound amplification. If you are showing a movie with a sound projector, this is part of the sound system as it is self contained. Are you asking for speakers to be put up? Mr. Bower advised a speaker system, like what the board has tonight. 90% of the time the speaker would be in the tent which can be sided to muffle the noise. He advised in Bible studies we may have a sound system with DVD's which are used buildings or tents. Mr. Bensinger advised when you get outdoors, sound travels when it is amplified. Mr. Evans advised the tent was set up beside the boathouse beside the lake, sound amplifies over the lake, I am not sure neighbors would like to have a Sunday sermon heard in their bedrooms at 8-9 am. The hours are restricted 9-9, is this same on the weekends? This may be hard on the weekends. Mr. Bensinger asked who monitors the system? It was noted by

Chairman Schmidt, it is a self contained amplifications system like a TV, and you would not refer to this as an amplification system

Lee Evans advised "It was just mentioned about a microphone, you will have to have a speaker somewhere. In the book it states there will be no amplification. If you have a microphone, you have a sound system, and you have to have a speaker and amplifiers somewhere." "You can't open the book, once you open the door," advised Lee Evans, "You throw the book out, and the book was written specific for us to follow." I am just being a "Devil's advocate," advised Kevin Daugherty, "If we followed everything in the book, we would not need a board, we can bend the rules to a degree when appropriate. I do agree with not supporting the amplification though." "If you look at your rule, no speakers are allowed to create a hazard or an annoyance to anyone." Item #3, 606A, cited Mr. Bensinger...Loudspeakers and/or amplifiers which cause a hazard or annoyance to nearby residences shall not be permitted The key question is what is the volume load? There is no way to get around speakers and/or amplifiers. Mr. Bensinger advised if you allow for an increase from 60-90 individuals, you will have additional sound amplification of voices. Mr. Daugherty advised based upon our discussion if you have an amplifier or speaker, someone will be annoyed.

Chairman Schmidt advised we want to help in any way we can, but when we get to items which are subjective rather than objective, this brings out a "can of worms". Who is to say it is annoying or not, and if one person states it is annoying, this gets very subjective. If it is self contained, projecting sound out, I don't consider this a sound amplification system. Mr. Bower asked what about if it is inside a building? The board advised it was noted that we are dealing with tents not buildings presently. Mr. Bower advised they have sound tight buildings if necessary, there could be a time restriction set. The board commented that no loudspeakers and or amplifiers would be allowed.

Chairman Schmidt advised he would now like to hear from some of the residents, of which were:.

Mr. John Scheiring - 7530 Greenwich Road- Seville, Ohio was sworn in by the zoning secretary. Mr. Scheiring advised he would keep his comments short. He advised he placed signs up and they are all down. He advised 3-4 events held, how do you distinguish a guest or a customer from a volunteer? He has made a trip with his 4-wheeler every time someone was fishing on the north side; the public does not know they aren't to be there. Last year I was advised signs are a good deterrent, this man (Mr. Bower) drove past 3 sets of signs to drop off a Christmas gift. Good fences make good neighbor. I have a neighbor who put up a fence 30 years ago and haven't had a problem since. Kids will be kids, I have a lot of pine trees and am worried that kids will climb the trees and get hurt. I have increased my insurance liability three times over the years. Is the applicant willing to "kick-in" money for ours? When I have to start worrying about people getting hurt on my property that takes away from the main reason why I moved out here in the first place. That is a business he is running and you charge individuals and/or guests, you charge a fee. Part of the ministry is for the guests to have them watch hay being baled, what type of ministry is this? I have more things to discuss, but when it walks like a duck, quacks like a duck, it is a duck! And I believe you are reading him correct; he blew smoke for a year, when you have 30 plus acres what makes that area consisting of about 2 acres so valuable that people have to go to that area? Your map had no measurement last time, now it reads 150 feet. My neighbor and I measured it and at best it was 125 feet. How many times does someone need to blow smoke, before you might realize it is a tax thing?

Mr. Daugherty asked Mr. Scheiring if at any time he found that people were not obeying the rules did he call anyone. Mr. Scheiring stated no, and Mr. Daugherty asked why. Mr. Scheiring advised at the last meeting, they were advised to bring their complaints when the variance was up for renewal, this is why we are here. They were not made aware of who to call. It is important that the board members realize that people come out here for a reason, to enjoy their privacy. If one wants to do something they have what is called the Medina County Park System, try it! The system has 4000 + acres and the liability to cover this.

Mrs. Patricia Kwas-9161 Friendsville Road-Seville, Ohio was sworn in by the zoning secretary. Mrs. Kwas advised that she was also under the impression to hold comments/complaints until the applicant came before the board for a renewal. Mr. Evans advised it may have been mentioned at the meetings held (3), but Mr. Daugherty advised if there would have been problems, the individuals should have called the zoning inspector. Mrs. Kwas proceeded to advise that they have heard noise in the form of screams coming from the property, they have had to wait to get out of their driveway due to traffic and the Fall Foliage function did not go as well as they say, as people were turning around in everyone else's driveway, due to missing the driveway into the Bowers property. In her opinion, it is not a good thing for the property owners being affected; it is not a good thing for the Westfield Township or Medina County. There is plenty of property in the Park System they could use. They don't need to have in our back yard. Amplification would be ridiculous, this is so upsetting to me, I have lost so much sleep over this. You guys need to go somewhere else. We purchased our property and worked for almost 50 years, to have a house and extra property, so we would not have to put up with people and now you are hauling in people in buses and this is just ridiculous. PLEASE REFER TO EXHIBIT A, AND EXHIBIT A-1 ATTACHED.

Mrs. Bower asked to speak, and advised the traffic problem occurred in December in which four cars came to the residence for Christmas Caroling. We have tried to be good neighbors and now to be told to leave, this is just too extreme. I hope you as board members see this.

Martha Evans-7998 Ryan Road-Seville, Ohio was sworn in by the zoning secretary was before the board tonight reading a letter from Kathleen Lemar, property owner. PLEASE REFER TO EXHIBIT B ATTACHED. (Mrs. Lemar was not present and asked this letter to be read by Martha Evans). Mrs. Evans also submitted EXHIBIT L, WHICH WILL BE TREATED AS EXHIBIT C , ATTACHED. Mr. Daugherty advised he would have liked to cross examine the witness, and his question is that since he cannot cross examine the person, can we accept this into the record? Do we need to check with Mr. Bill Thorne from the Prosecutor's office? Mr. Evans advised by all right she could have written to the board and advised for us to continue this, as she cannot be present. She has a right as an adjacent property owner, she has a right to be here or represented by having someone read what was written down. Do we have an affidavit that states Martha Evans can speak on her behalf legally? It was noted by Mr. Evans, that we did not know that this was needed. Mr. Bensinger advised it seems that in the information submitted Mrs. Lemar is referring to the Comprehensive Plan and the Comprehensive Land Use Plan. The board operates from a different perspective. What seems to not be understood that Recreational uses and churches are permitted conditional uses. It doesn't matter what the comprehensive plan states as far as uses. It was noted this is not a variance; this is a Conditional Permitted Use application. Mr. Bensinger advised he is one of the individuals sitting on this board, and he did listen to the tapes and this is nothing more than a re-hash of what went on more than a year ago. What we need to hear is real evidence that there has been a problem, to which we are not

hearing that there has been. The things which are in this document are what I have concerns and not necessarily agree with. I am not able to cross examine her, advised Mr. Daugherty.

Matt Witmer advised he did talk to Bill Thorne and advised the following could have been done:

1. Meeting could have been started and tabled until Mrs. Lemar was able to attend to speak.
2. The hearing could be held and then tabled until the resident can be here (Mrs. Lemar) to cross examine and question.
3. She can send a representative to speak on her behalf.

If you wish to hear from her directly, she won't be back until after the 9<sup>th</sup>, then she can have her say. It is up to the Board.

Susan Whitfield-7458 Greenwich Road-Seville, Ohio was sworn in by the zoning secretary and proceeded to read her letter. PLEASE REFER TO EXHIBIT D ATTACHED.

Chairman Schmidt advised we now need to see if the board is in favor of extending the conditional use and then if we want to look at some of the changes the applicant has asked for.

"Lee Evans, are you in favor of granting the conditional use?" asked Chairman Schmidt – No, I am not in favor of granting a conditional use, nor any of the items he is asking for." Advised Evans.

Kevin Daugherty – I would support an extension of some kind. I haven't determined how long it is. I would be willing to look at some of the items they have asked for. Not saying I would take all of the items per verbatim, I have some issues with some of those. I could modify some of them as well. I would be supportive of continuance of some kind.

Wayne Moore – I would not be opposed to discussing it. I don't know if I am agreement with changes in here and don't agree with length he is asking for. If we could come to some agreement on that I would possibly be in agreement with some things.

Larry Besinger – I don't think that you can deny him of what they have at this point. There have been no complaints on the record, it doesn't seem logical that you can deny. I think a lot of the restrictions, conditions placed on property were meant to address what has come up again. I think in terms of expiration date I would say a two year time frame, Chairman Schmitz agreed we will discuss items further, regarding timeline etc., Larry advised he thinks that it needs to be "pared" back.

Chairman Schmidt – I would also be in favor of favoring a conditional use and not saying that I am agreeing with all the changes they are requesting but I think that is at the point we are at right now, that we have come to a consensus we will continue on with the conditional use and it is just what the conditions are that if we want to modify the ones they have and/or increase or decrease what is requested.

Lee Evans- If you refer to 602 A...Listing as a conditional use shall afford the opportunity to submit an application for a conditional use which may be approved or denied on the basis of the provisions of this Resolution. It is not a guarantee, that they should just get it. Larry Besinger advised they have had it. "I understand they have had it, but what they applied for is not what they are asking for now" replied Lee Evans " They want changes correct?" "Which we don't



have to grant", advised Mr. Daugherty." Would you be in favor of what they already have?" "No" replied Mr. Evans.

Chairman Schmidt advised the rest of us are in favor of what they have and then we will look at changes they have requested for the different items.

The list being:

#1 Conditional Use Permit expire 12/31/17

Larry Bensinger - I think expanding for two years would be my thought, 12/31/14.

Wayne Moore- I would only do for one year and reason why, I want to see more of their ability of how they are handling the property.

Kevin Daugherty- I am sort of a combination of the two. I am looking at the next item as well, an additional 30 people on top of that. I would be willing to do Larry's two year extension at the current 60 guest's individuals or 1 year at 90 guests. I think the additional people are a wild card which needs to be evaluated. If we are going down the road of thinking guests, I would go back to one year.

Larry Bensinger – What if we go in between 60-90? Chairman Schmidt advised- 75? Besinger advised "I would keep at 60, we would make applicant prove themselves; I think that they haven't proven themselves yet to handle the 60." I don't know if that is by design, that they kept it small to handle. Especially with the one gentleman raising concern with individuals being on the lot in the incorrect area. There are some gray areas to address.

Mr. Bensinger asked John Scheiring "How many people were fishing?" Mr. Scheiring advised 3-5, but no one was to be fishing at this section N/S of lake, the lake has three other sides to fish on. Kids will be kids, when will we find out a mistake has been made, after an accident occurs? I have a lot of pine trees in the back, if these kids climb the trees, then what? Mr. Bensinger asked if a fence would be erected, would that make a difference. Mr. Scheiring advised "Good fences make good neighbors, if it is high enough." Mr. Scheiring advised, I have had to increase my liability to 3,000,000."

I would like to approach a little different if it is okay with the board addressed Mr. Schmidt, as we have several other items to address, which may be stickler points.

Item #6 dealing with Amplification Subsection 606A (3).

Larry Bensinger: -No with respect to the tent, I don't know with respect to a building.

Kevin Daugherty – No, even with respect to a building

Lee Evans – No

Chairman Schmitz- No, as far as amplification I would be against it

Wayne Moore – No

Item #5 – No Change

Item #3 – No Change

Item #4- North Side of the Lake, allowing guests on this side. We have established within 100 ft. which individuals aren't to be there.

Lee Evans-It is easier to keep as it was before, with the boundaries where they were before with the lake and with no hiking

Kevin Daugherty – It doesn't appear there is 100 ft. there, if it was more than 100 ft. they are well within their rights, but this does not appear to be the case. I feel the same as Lee, with keeping the boundaries where they are.

Larry Besinger – I think the only other alternative, would be to put up a fence. Lee Evans advised this was discussed the last time and they did not want to put a fence up. This is how we came up with our border. Larry advised if the fence is out of the question and you don't have the room, my answer is no.

Wayne Moore – I also agree with Larry. If a fence is out of the question, then no.

Chairman Schmidt advised the next item to address is the length of the permit and the number of guests. We presently have one year, two years, 60, 75 & 90 for guests.

Chairman Schmidt asked the members for their input.

Larry Besinger – I say 2 years and 75 guests. I say that because it appears volumes have been low, and no problems. It is less than what they are asking for, but it also tries to adjust a little to perceive what their needs are.

Wayne Moore- I am going to stick with one year and 60 guests. I am still not 100% sold that at any given time they know how many people they have on the property. I have an issue with an earlier comment made regarding how many people were on the property 20 or 30 and leave it at one year.

Kevin Daugherty – I don't necessarily think that they need to come back in another year so if I go with two years, and 75 guests.

Lee Evans- My answer is 0 and 0, pretty much. I feel that this is a detriment to the community and the property owners right around them. I'm sorry but I can't help it.

Mike Schmidt - I see both sides and you don't want to say that anybody is trying to hold back, just for the sake of holding back, that we would just grant something. We are responsible for our community and we are the board that people come to for this type of thing. It appears for the majority of things that you have done there being good stewards and good neighbors and it is a conditionally permitted use, I would be okay with going two years and 75 guests. When you are talking about staff, if we do go with 75 how many staff members would you have? Would that depend upon the venue or would there be more staff if kids are involved? What about adults, how do you differentiate your staff and guests terminology wise?

Mr. Bower advised you can certainly distinguish between guests and staff. The staff is volunteers or owners and they are aware of what we are supposed to be doing, not only township regulations, but our own regulations and so it depends upon how many activities we have. If they come and serve their own food by the way, no one has asked about this, but then again, I know you know this is up to the health department, but they do their own thing and we do not get in their way. Now if they have specific items, we would have to have more staff

in because we are restricted by Exhibit A anyway. If they are on a hayride and lake activities plus by the tent, it would require more staff. If you had 75 people you would need 10 people due to the stations. When we had Fall Foliage in 2010, before we were told we had 30 volunteers, because we knew we needed that many and each had their own specific area.

Mr Bensing advised he was a little confused because I thought you stated in Mr. Bower's beginning presentation, that all staff are all owners. "We are talking about 2.5 years ago on the Fall Foliage, are you asking about this?" cited Mr. Bowers. Lee Evans asked "Do they have a different colored shirt; do they all wear something the same which makes them stand out? Can they be distinguished?" "Yes" advised Mr. Bower. Mr. Bensing advised this isn't what he asked. He advised Mr. Bower earlier advised staff are easily recognized, as they are all owners. Mr. Bower advised volunteers or owners. We deem they are people which support the ministry, and they are called voting stakeholders, which is in our Constitution. We are a charitable Ohio Corporation, we do not have shareholders. Mr. Sheiring advised you call them owners, don't you? There are no shareholders or owners of the corporation advised Mr. Bower. There are six board members; it was questioned if they are owners. It was noted they are voting stakeholders by Mr. Bower. Mr. Bowers stated "They are technically, if you want the definition of owner, no they don't own it. God owns the property, we take care of it." Mrs. Bowers advised she would like to explain this a little further. Terry & Donna are listed as the owners of the property, 17 acres. We have ministry and people make donations to the ministry, these individuals are called stakeholders. The question is about the staff. Mrs. Bower advised it is strictly volunteers and all wear red shirts, individuals are board members and volunteers. Mr. Scheiring asked "To save a phone call in the future, staff members wear red shirts?" I want to clarify this. Mr. Daugherty advised here is the question "Are we going to make a distinction between guests and staff?" "If we are concerned about the number of staff on the property, we need to define how many guests and how many staff members on the property, if we aren't going to define this we are probably wasting our time." "Honestly, my initial question was is it depending upon the venue held?" "I think it would be safer and better to have more staff" cited Mr. Daugherty. Mrs. Bower's advised you are correct, we base this amount on the number of individuals attending, which is important that they are identifiable. They will be wearing red shirts. Mr. Bensing advised so, all in all, it depends upon the type of venue of how many staff members are there. Mrs. Bower advised "Correct, if you would have 75 people you could estimate 20 people for that. Is this what you are asking for?" "No, we don't want to tell you how to run your operation" advised Mr. Daugherty. "It is up to you to determine who and how many staff members you have and as long as they are identifiable, in case Matt would have to go to the premises, he knows who to talk to. This allows Matt to see how many red shirts are worn by individuals when there is an event, should he have to go to the premises." Mr. Bower advised this would only be when an event is held, if someone comes out to fish on a Wednesday at noon, he would not give them a red shirt.

Chairman Schmidt advised the general consensus is 2 years and 75 guests. We have 3 in favor of that. Any other changes to the current operations that board members have? It is noted that we do not have to grant what we did before; does anyone have a problem with what was granted before, of what we did?

Lee Evans asked "You will still keep the current hours of 9-9 won't you?" "Yes," advised Chairman Schmidt, which was confirmed by Mr. Bower. Mr. Bensing asked about how we deal Item #5 Activities-no change requested, the original resolution. Mr. Evans advised "The reason it came about is it is falling under recreational as conditional and that is how it got listed

that way.” Mr. Bensinger advised he understood that but nowhere does it state events. “Is this part of the conditions” advised Chairman Schmitz. “Those were examples of things that they can do under the resolution. It does say other similar outdoor and indoor games.” advised Mr. Evans. Then, you are not limiting yourself. It was asked what page it was. It was noted page 21. Under 303 RR , Item 2 Conditional Uses item d- Governmentally or privately owned and or operated recreation areas, other than those described above, such as : picnic areas, playgrounds, private parks, club pools, golf courses, tennis clubs, country clubs, equestrian activities and other similar recreation facilities or uses of similar character. Uses similar in character to the following shall be excluded: commercial recreational uses such as drive-in theaters, miniature golf courses, golf driving rangers, rifle ranges, trapshooting, skeet shooting ranges, pistol ranges, or other ranges for use of firearms; the operation of snowmobiles, motorcycles and all terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on private property or the inviting of spectators to view the operation of such vehicles or allowing competition among such vehicles with or without charging a fee. “So, can we just take #5 out and just rely on the book, since this is what they have to live by” advised Daugherty. Mr. Evans advised When they applied for the conditional variance it was asked for them to list the items.” Mr. Bensinger stated “It sounds like this is only for recreational facilities.” Mr. Daugherty advised “This is what they are operating under.” Mr. Bensinger advised “They have events.” Mr. Daugherty asked is this any different than Medina County Parks? It is private, non governmental.

Item #5 is basically the same if you look at it, stated Chairman Schmidt. “This is basically the only thing you can do.” Mr. Bensinger advised we could change and replace with 303 B 2 D, if then add 606 A, advised Mr. Evans you are covered. It was then noted we should replace with 303B 2 D to also include applicable Sections 605, Items A- G and Section 606 A, Items #2, #3, #6, #11, #13, #18 and #19, which would be applicable to Item #5.

Board members proceeded to complete the Conditional Use Official Notice of Board Action for the applicant. The notice was completed by Kevin Daugherty.

With the application completed, Chairman Schmidt asked for a motion. Kevin Daugherty made a motion to grant a conditional use permit to the applicant, Terry & Donna Bower and Morning Star Farm Ministries, Inc. as follows:

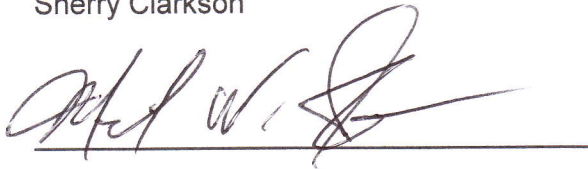
1. Permit expires 12/31/14.
2. Maximum number of guest shall not exceed 75.
3. Hours of operation shall be 9:00 am – 9:00 pm, seven days a week.
4. Activities will be limited to designates areas as marked on previous Exhibit (see original hearing dated 8/29/11) but these activities shall not be located further west than the easternmost line of the Borchart property All activities shall be subject to Section 606 A 2; the lake and pond are included as activity areas and no guest related activities are to be conducted on the north side of the lake.
5. The conditional permit is also subject to 606A #2, #3, #6, #11, #13, #18 and #19, Section 303 B 2 d, and Sections 605 A-G. Note: There were no formal complaints on record of any violations during the first year of operation under the original conditional permit.

The applicant was provided a copy of the paperwork completed at the meeting, which was signed and dated.

With no other business to conduct, Chairman Schmidt asked for a motion to adjourn the meeting. A motion to adjourn the meeting was made by Wayne Moore and a second to the motion as made by Larry Besinger. All were in favor. The meeting was adjourned at 9:54 pm.

Respectfully submitted,

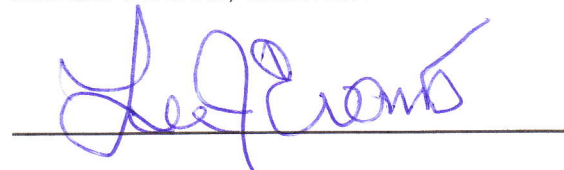
Sherry Clarkson



Michael Schmidt, Chairman

4/17/13


Date



Lee Evans, Co-Chairman

4/17/13

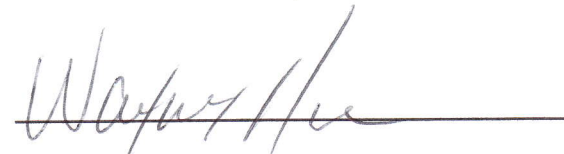
Date



Kevin Daugherty, Member

4/17/13

Date



Wayne Moore, Member

4-17-13

Date

\_\_\_\_\_  
Larry Besinger, Alternate

\_\_\_\_\_  
Date