

**WESTFIELD TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING/CON'T OF PUBLIC HEARING
July 14, 2009**

Chair Sturdevant called the regular meeting of the Westfield Township Board of Zoning Commissioners to order at 7:31 p.m. Board members Anderson, Kemp, Miller, Brewer and Sturdevant were in attendance. Alternate ZC member Kevin Primer was absent. Other individuals in attendance were Ron Oiler, Gary Harris, Lee Evans and Martha Evans.

Approval of Minutes

The Board tabled the approval of their June 9, 2009 and June 30, 2009 meeting minutes until Commission members Jill Kemp and Scott Anderson had the opportunity to review the minutes.

CON'T OF PUBLIC HEARING- Proposed Text Amendments to the Existing Signage Text, Proposed Signage Matrix and Section 907

Chair Sturdevant called the public hearing to order at 7:40 p.m. Chair stated that the Commission has received the recommendations from the Planning Commission and Mr. Thorne from the Pros. Office regarding the proposed text amendments. (See attached to Approved Meeting Minutes). Chair Sturdevant read the recommendations of the Planning Commission and Bill Thorne into the record as well as the proposed amendments of the Commission. The Commission went through each recommendation line item by line item.

Highlights of discussion were as follows:

Planning Commission's comments suggested that "only one temporary sign per lot is not sufficient. One can easily imagine the need for a real estate for sale sign a sign advertising a yard sale and a sign supporting a political candidate at all the same time. In addition, the limitation of one sign containing political related speech per lot may be challenged on constitutional free speech grounds. The limitation of one temporary sign per lot is also stated in Section 404 Zoning Certificate Exemptions. The Township should consult the Medina County Pros. Office regarding this text."

Chair Sturdevant stated she did contact Mr. Thorne from the Pros. Office. The wording except as otherwise permitted by Law, which the Commission added to the proposed text language covered the issue of political signs, but Mr. Thorne stated that he too did not feel one temporary sign was sufficient. He stated the government is getting harder on restrictions of a zoning code especially as they relate to signage. The community must have a logical reason for only permitting one temporary sign. Mr. Thorne stated that 2 or 3 signs would be more reasonable but did not have a fixed number as to what would be appropriate or defensible. The number would be up to the Township to set.

Mr. Anderson stated as he recalled the reasoning for limiting the number of temporary signs was to reduce sign clutter. Chair Sturdevant stated that was correct, but in talking with Mr. Thorne he did not believe that would hold up in court. Commission members Miller and Kemp did not feel a garage sale sign would be an issue because they are only up for a day or so. Chair Sturdevant stated the issue was if we try to clarify the type of sign we get into the content of the signage which we are not allowed to control. Mr. Thorne stated that signage language was a very hard topic to write and control because the laws are ever changing. The Township would just have to decide what is best for the community.

Commission member Kemp stated if we only allow one temporary sign would it really be an issue that a second temporary sign may be erected to sell a home or hold a garage sale. She added she did not think it would be an issue. Therefore Ms. Kemp suggested leaving the proposed language of one temporary sign.

Commission member Miller responded if we do that, we leave the Township open to being challenged. He suggested a maximum of 3 temporary signs be permitted. That would allow somebody to have a yard sale sign and a real estate sign and another sign in addition to a political sign if they chose to. That gives an individual some choices regarding temporary signs. If somebody puts up more than three signs then the Township would have something to enforce. Ms. Brewer stated she could see the potential of more than 3 temporary signs being put up. Mr. Miller stated he could compromise and go with two temporary signs. The rest of the Commission agreed.

The Commission decided that they would permit two temporary signs under Section 406 B. Temporary signs. This number would be reflected on the matrix as well.

The Planning Commission stated the wording of Section 406 B. Temporary Signs 2. Conditional uses in the Rural Residential And Suburban Residential Districts may be allowed additional temporary signage during the construction phase of a project, was awkward. Mr. Thorne questioned the requirement that the sign must be not less than 15 ft. from the side lot lines. He did not feel that was necessary.

Mr. Miller stated in another section of the signage language the code says a sign must be X ft. away from the street right of way or property line. The property line is the side lot line and suggested leaving the wording as proposed.

Secretary Ferencz suggested the wording to read as follows: "...Such signage may not exceed 32 sq. ft. in area or 8 ft. in height and be located not less than **15 ft. from the road right of way, side lot lines or except as permitted by law.** The Commission agreed and felt that wording clarified the code.

Regarding Section 406 B.4 Temporary signs not on one's own property; the Commission originally had it titled as off-site signage. The Pros. Office stated the wording off-site

should be removed as that wording was content based. The majority of Board members felt that off-site just referred to the type of sign making it clear to the reader and did not restrict what the sign could say. The Commission proposed the text of 407 B. 4 to read, Temporary signs **placed off site** shall be permitted with the permission of the private property owner...”

The Commission was comfortable with the language as proposed by the Commission on billboards and high-rise signs.

The Dept. of Planning Services suggested adding a diagram to specify the site distance requirement for corner lots. The Commission members agreed and decided to incorporate the illustration in the proposed sign text language and to add the following wording to Section 407 C.3 Corner lots **“No signs or objects taller than 3 ft. are to be located in the clear site triangle diagram.” See Diagram Below.**

Regarding the proposed amendments to Section 907 Procedure For Administrative and Variance Appeals, Chair Sturdevant stated she talked to Bill Thorne about it and he said a lot of the language was unnecessary. The reason is that the Board of Zoning Appeals power and responsibilities are statutory (i.e. authorized under the Ohio Revised Code.)

Secretary Ferencz stated she understood Mr. Thorne’s reasoning but still felt that it was important to have a zoning code that was user friendly so that anyone applying for a variance would know the types, process and technicalities of such a request. Mr. Miller agreed. Chair Sturdevant stated Mr. Thorne recommended under Section 907 Procedure For Administrative and Variance Appeals, to list the applicable sections of the Ohio Revised Code and make the ORC an attachment or an addendum to the code. His reasoning is that the ORC has changed frequently and continues to change. Secretary Ferencz commented by making the ORC an addendum defeated the purpose because it would have to be changed every time the ORC is changed and how often would that be and when would the Township be notified of such changes? She suggested that if the Commission was going to go in that direction then maybe Section 907 should read,” the BZA’s statutory authority is derived under the current Ohio Revised Code Section 519.” Mr. Miller stated that something needed to be in the code to give the residents some knowledge as to what the Board of Zoning Appeals is and what it does.

Commission member Kemp suggested that any updates to the ORC as they apply to the BZA could be adopted every year as procedure just like the Commission does with its by-laws. Secretary Ferencz stated every time the code changes the zoning resolutions would have to be updated as well and that could prove to be tedious and costly. Fiscal Officer Evans suggested the reference be made to the ORC in the zoning code regarding the BZA and then a copy of the specific ORC language could be handed out with the variance applications so that would negate the need to update the zoning books. The Commission members agreed.

The Commission therefore suggested that the language for the BZA should read, “**The Board of Zoning Appeals is governed under the statutory provisions of the Ohio Revised Code Sections 519.13, 519.14, and 519.15.**”

Chair Sturdevant stated that Bill Thorne recommended the BZA set procedures for their Board. Secretary Ferencz stated they did.

In sum the Staff recommends APPROVAL WITH MODIFICATIONS, per staff comments for the proposed Text Amendments to the Westfield Township Zoning Resolution.

Mr. Miller made a motion to approve the proposed text amendments to Section 406, Section 407 and Section 907 and to include the applicable matrixes and diagram. These proposed amendments are to be certified over the Township Trustees for them to set their public hearing accordingly. It was seconded by Ms. Kemp.

ROLL CALL-Miller-yes, Kemp-yes, Anderson-yes, Brewer-yes, Sturdevant-yes.
Chair Sturdevant closed the public hearing.

Chair Sturdevant reopened the regular meeting of the Zoning Commission.

Zoning Inspector Harris handed out a site plan application to the Commission members. He stated that Speedco wanted to construct a building to house their dumpster that would contain crushed oil filters, air filters etc. Mr. Anderson asked if the building was going to house Speedco’s waste oil what does the fire dept. have to say about that? Mr. Miller asked why Speedco would need a building to house a sealed dumpster container? Ass’t ZI Evans stated when he spoke to the construction company for Speedco a year ago he told them to have the curb built so if any oil spilled out of that dumpster it was contained.

Mr. Miller made a motion to accept the site plan review application received by Speedco as complete, and to set the site plan review for Speedco at the Commission’s next regularly scheduled meeting on August 11, 2009 at 7:30 p.m. It was seconded by Ms. Brewer.

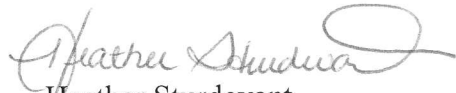
ROLL CALL-Miller-yes, Brewer-yes, Kemp-yes, Anderson-yes, Sturdevant-yes.


Announcements:

Next Regularly Scheduled Meeting of the Zoning Commission-(Site Plan Review for Speedco) August 11, 2009 at 7:30 p.m.


Census Bureau Meeting-July 15, 2009 @ 6:30 p.m.

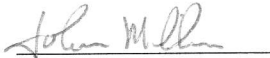
Having no further business by the Commission, Mr. Miller made a motion to adjourn. It was seconded by Ms. Kemp. All members were in favor. The meeting was officially adjourned at 8:43 p.m.


Heather Sturdevant


Scott Anderson


Sue Brewer


Jill Kemp


John Miller