

Westfield Township

Board of Zoning Commission

Meeting Minutes of June 12, 2012

The meeting was called to order by Heather Sturdevant, Chairman at 7:32 pm. Members in attendance were: Greg Brezina, Sue Brewer, Jill Kemp, Scott Anderson, Heather Sturdevant and Zoning Secretary Sherry Clarkson. Member absent: Dennis Hoops. Guests in attendance: Matt Witmer, Stan Scheetz, Ron Oiler and Gary Harris.

Chairman Sturdevant advised the Trustees passed the convenient care clinic and some changes were made as follows: Made a Permitted use as opposed to a conditional use. There was some concern we could have a hospital or a free standing clinic come in due to this; but the Trustees provided a definition which as per se states that a convenient care clinic must be within a supermarket, retail establishment or a truck stop. A article is being presented to members tonight created by the Martha and everyone on the board will need to sign this article and this will become effective tomorrow and the convenient care clinic will re-open.

We are in the process of updating the zoning book and new copies will be handed out to everyone, but with so many changes coming about presently, after all changes are made a new book will be handed out to members, vs. continual changes being presented which will cause confusion.

**Minutes of May 8<sup>th</sup> Meeting**

Changes to the minutes will reflect the following: In member section it is asked that Sherry Clarkson state prior to name, Zoning Secretary, as not to confuse public reading minutes that she is a board member. It was noted we should change William Thorne's name to Bill, as he goes by Bill and it should be reflected in the minutes. Under Public Hearing on Swimming Pools, second paragraph, change to: Chairman Sturdevant advised she would be talking to Bill Thorne (delete meeting). Next sentence: It was advised after discussion with Bill Thorne, that this is a problem and may not be enforceable (delete could), as well as could potentially (add this) nullify our fencing regulations...Further down... Then a separate fencing regulation would need to be placed in (the-add) regulations, stating that this regulation supersedes any other – add and remove previous fencing regulation in this code (add in this code). In the second sentence after above....after automatic drop, (add) therefore in a lake or a pond a child could potentially climb out due to a gradual drop off. On page 2, second paragraph, next to the last sentence, remove As it presently stands. Next paragraph, third sentence remove to and replace with do. Fourth paragraph, remove submitted and replace with amended. It was also asked that the secretary in the future minutes bold and/or underline motions in minutes so they stand out. And finally under Highway Commercial the 2<sup>nd</sup> to the motion was made was not inserted and will have to added after listening to tape. It was noted a corrected copy will be presented to board members at the next meeting for approval. With no other changes/corrections **a motion was made by Chairman Sturdevant to approve the minutes with changes made. A second to the motion was made by Jill Kemp. A roll call was taken as follows: Greg Brezina-aye; Jill Kemp-aye; Sue Brewer-abstain; Scott Anderson-abstain; Heather Sturdevant-aye. The motion passes.**

### **Minutes of the May 15th Meeting**

Members proceeded to review the May 15<sup>th</sup> minutes and it was asked to have Zoning Secretary placed prior to Sherry Clarkson's name, On the second page, please break out information into paragraphs, as not to reflect one definition for Light Industry. (Can refer to handout) (Fourth Sentence, A use starts another definition (start new paragraph ) Line 15 –A use that involves—start another paragraph, and Line 19, starting with Uses Engaged in the....start another paragraph. Page 3 Third Paragraph, is the definition of Light Industrial should be noted as: Any operation which assembles, improves, manufactures, produces, fabricates or packages goods or materials in a manner which does not create a noticeable amount of the external effects of the manufacturing process such as smoke, noise, soot dirt, pollution, vibration or odor etc. Warehousing, wholesaling and distribution of the finished products produced at the site is allowed as part of this use. Under definition of a Bank, delete the paraphrase after fiduciary activities, as this was a paraphrase in thinking aloud. Under permitted uses add (sentence) delete and. Under Warehouse and Storage (addressed in prior minutes place the actual verbiage as discussed. Then, do a separate mark for Drive in Banking. On page 5, should read: Chairman Sturdevant asked if we should do an informal review with Planning Services. Members agreed to send the information to Bill Thorne first and then on to Planning Services for a formal review. Then on to the Sentence starting with Although, if you look at the map, remove although and sentence should read If you look at the map, it is a larger area than you think that this type of business can come in. Next paragraph add FOR before Sexually Oriented Businesses. And under the paragraph starting The next meeting will be, delete up at the end of the sentence and under she has talked...change to tried to contact. With no other changes **a motion was made by Heather Sturdevant to approve the minutes with the amended changes being made. A second to the motion was made by Jill Kemp. A roll call was taken: Greg Brezina-aye; Sue Brewer-abstain; Jill Kemp-aye; Scott Anderson-aye; Heather Sturdevant-aye. Motion passes.**

### **Highway Commercial**

It was noted that Bill Thorne was on vacation and just got back on the 11<sup>th</sup>. Chairman Sturdevant advised she put a call in to Bill, unfortunately he did not return the call , that being his second day back. Regarding our definitions, Chairman Sturdevant advised she talked to Sheryl at the Planning Services and In talking to Sheryl, a Check into cash/Check & Cash could be considered a financial institution, where a bank is not synonymous so we have changed our definition to Bank.

So, just to review items, we have the following:

Article III

Section 306 B.1.e. Administrative Businesses and Professional Offices including Public Administrative Offices, Data Centers and Educational Facilities.

f. Light Industrial

g. Banks

h. Warehouses and Storage shall only be allowed as an accessory use to another primary permitted use in the HC (Highway Commercial) District.

#### Article XI

#### Section 1102 Definitions:

7. Banks: Any Trust Company, Savings Bank, Industrial Bank Savings & Loan Association, Commercial Bank Credit Union, Federal Association or Investment Company which are chartered under federal or state law.

34. Light Industrial: Any operation which assembles, improves, manufacturers, produces, fabricates or packages goods or materials in a manner which does not create a noticeable amount of the external effects of the manufacturing process such as smoke, noise, soot, dirt, pollution, vibration odor etc., Warehousing, wholesaling and distribution of the finished products produced at the site is allowed as part of this use.

55. Storage (see also Warehouse): use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive or as a nuisance (see Nuisance).

So what we are doing is opening it somewhat, but are not making it wide open. You might say we are taking baby steps in working on our HC district which the board feels more comfortable with. We will take each step as it goes advised Chairman Sturdevant.

Trustees Ron Oiler and Gary Harris were in attendance. Mr. Oiler got up and addressed the members and asked if bubble packaging would be allowed in the district, it sounds like it may be allowed. Chairman Sturdevant it depends upon what the company would be doing, if glue is involved it cannot be offensive to neighbors. If you look at Medina as an example Corning, up in Medina releases a lot of smells and we have to be careful of our area, since we are within a valley and have residential abutting the property, we have to be careful that this is not categorized as a nuisance. Mr. Anderson advised a lot of these companies deal with glue and this could cause a smell.

Trustee Gary Harris advised he happy with what the board is proposing and it looks like we are opening up to some more uses coming to the area and it looked good to him.

With no further discussion, **a motion was made by Chairman Sturdevant to send the HC language we have prepared to Planning Services and Bill Thorne's office for formal review. A second to the motion was made by Greg Brezina. A roll call was taken: Greg Brezina-aye; Sue Brewer-aye; Jill Kemp-aye; Scott Anderson-aye; Heather Sturdevant-aye. All were in favor. The motion passes.**

Chairman Sturdevant asked Trustees if the Planning Commission would be skipping a meeting this summer as sometimes they do this. Mr. Scheetz advised the Planning Commission would be keeping their normal schedule.

Mr. Stan Scheetz got up and advised he was wondering what the boards' rationale was for only allowing storage to be ancillary or a supplemental use. This would eliminate 1/3 of the uses which are presently in Seville. (Citing Gateway Tire, Ohio Wholesale as an example, these companies do not manufacture anything).

Chairman Sturdevant advised that the board felt that part of the problem/concerns is the traffic in the area. There is presently a high volume of traffic in this area, along with the fact of the soccer fields being in the area with additional traffic. Chairman Sturdevant also advised there is the variance process, which can open the area up with specific restrictions.

### **Outdoor Wood Fired Boilers**

On 6/7/12 we received the a letter from Planning Services

*RE: Proposed Zoning Text Amendment: Application #047-202 TA. Article VI, Conditional Zoning Certificate, Section 606 Subsection A., Outdoor Wood-fired Boilers*

*Dear Westfield Township Zoning Commission Members: Pursuant to the Ohio Revised Code, Section 519.12, The Medina County Planning Commission, at its regular meeting of June 6, 2012 acted on your requested review of the above captioned zoning text amendment. The Medina County Planning Commission recommended approval with modifications. The Staff report for this amendment is enclosed.*

*As per the Ohio Revised Code, please advise our office and the County Recorder's Office of the official Action on this change so that we may keep our files current. Should you have any questions, please do not hesitate to contact our office.*

*Sincerely,*

*Rob Henwood*

*Planning Director*

*(Enclosure and cc's to Zoning Commission, Zoning Inspector, Clerk, Trustees and County Prosecutor)*

*Westfield Township Text Amendment Application No. 046-2012TA*

*Proposal: To amend Article 3 6, Conditional Zoning Certificate, Section 606 Specific and Supplementary Conditions to add a new subsection 34, Outdoor Wood-fired Boilers plus accompanying definitions.*

*Article VI, Conditional Zoning Certificate*

*Section 606-Specific and Supplementary Conditions.*

#### *A. Specific Conditions*

*23. Outdoor wood-fired boilers (OWB's) shall be considered a conditional use in the rural residential and local commercial districts only on lots equal to or greater than three (3) acres. Only one (1) OWB shall be permitted on any lot or parcel in those specific districts. A zoning certificate is required for all OWBs.*

*Staff Comment: Suggest that the regulations specifically state that OWBs are an accessory use in addition to being a conditional use. Also suggest that OWBs be limited to providing heat/and or hot water for residential uses only.*

**Discussion was entered into by the board and the following information now replaces #23.**

**23. Outdoor wood-fired boilers (OWBs) shall be considered a conditional use in the rural residential and local commercial districts for residential uses only and only as a accessory use to a residence on lots equal to or greater than 3 acres. OWBs shall only be permitted as a source of providing heat and/or hot water for the residential use. Only one (1) OWB shall be permitted on any lot or parcel in those specific districts. A zoning certificate is required for OWBs.**

*Moving on to the next item.*

**A. OWBs shall be located in the rear yard only.**

*Staff Comment: OWBs are required to be 300' from all property lines on lots of 3 acres or more. If a OWB can meet these requirements placement within the side yard should not be a problem as long as it is behind the front line of the building.*

*Zoning Board Comment: I do not think so....., we feel that OWBs shall be located in the rear yard only. The Trustees can discuss this, but the zoning board feels this should be in the rear yard only.*

**B. OWBs shall be located not less than two hundred (200) feet from all property lines**

**C. OWBS shall be located not less than fifteen (15) feet from the principal building or any accessory structure.**

**D. Fuels shall be limited to seasoned hardwoods, corncobs or woodchips.**

*Staff Comment: Rather than stating a limited number of materials (and possibly having to justify the exclusion of other materials), that can be used in the OWB, Staff suggests stating that "Fuels shall be limited to those approved by the EPA)*

*Zoning Board Comments: Chairman Heather Sturdevant advised members the EPA has suggestions and a copy is on the computer in the office. Unfortunately we cannot print from the computer, nor copy on a disk, so members are more than welcome to review this information on the computer. The EPA guidelines include a copy of the Copley language which their language shows all OWBs have to meet EPA Guidelines of Air Quality Guidelines; but the EPA has advised they have not approved the Guidelines yet. Chairman Sturdevant advised she has talked to the EPA regarding this as well as the Prosecutor's office and Bill Thorne advised to leave out as, these are only suggestions and we cannot enforce suggestions, as the EPA cannot get passed as of yet. Bill advised we can show the fuel used (which is the same as manufacturer's recommendations and attach the EPA documentation to the regulations/resolution should there be any questions. The board felt that if we state any other fuels to be*

*used, this can be opening a Pandora's box; therefore the board is going with the items the manufacturer suggests as fuels. Chairman Sturdevant advised she can discuss this further with the Trustees when this would be brought before them.*

- E. The stack height of any OWB shall be no less than twenty (20) feet or at least two (2) feet above the peak of any structure within three hundred (300) feet, whichever is greater.**
- F. OWBs shall be installed, maintained and operated according to the manufacturer's specifications.**
- G. OWBs shall not be permitted on steep slopes as defined by the Township Zoning Resolution.**
- H. No person shall operate or maintain an OWB in such a manner that creates a nuisance as defined by the Township Zoning Resolution.**
- I. Prior to the installation of an OWB, the owner or occupier of the real property where the OWB shall be installed, shall make application to the Township on the proper form to include.
  - 1. A scaled drawing detailing the location of the OWB. The drawing shall clearly indicate parcel lines, setback distances from the property lines and principal building, proposed stack height, neighboring structures and steep slopes as applicable.****

*Zoning Board Comments: Item #1 above should help Matt immensely to enforce this. Questions arose among members and zoning inspector and trustees as to the definition of NUISANCE. Our current zoning definitions do not provide a definition, which now will be:*

***NUISANCE: The unreasonable, unwarranted or unlawful use of one's property in a manner that substantially interferes with the enjoyment or use of another individual's property, without an actual trespass or physical invasion to the land (This will be in the definition section of the regulations)***

***STEEP SLOPE: Lands having slopes over twelve (12) percent as measured over horizontal distances of fifty (50) feet or more that are not bluffs.***

***OUTDOOR WOOD-FIRED BOILER: Any equipment, device or apparatus which is installed affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat to a principal residential structure or any other structure on the residential premises. OWBs can also be used to heat domestic hot water.***

*Staff Comment: Subsection 23 above states that OWBs are permitted in the Rural Residential and Local Commercial Districts. This definition appears to reference residential use only if OWBs are limited to residential use, as suggested above, this definition is appropriate.*

*Staff Recommendation: staff recommends approval with modifications of the proposed text amendments of the Westfield Township Zoning Resolution subject to Staff Comments. Staff further recommends that Westfield Township request an opinion from the Medina County Prosecutor's office on the final language.*

A motion was made by Chairman Sturdevant to approve the proposed zoning text amendment to Article 6, Conditional Zoning Certificate, Section 606 Specific and Supplementary Conditions to add a new subsection 23, Outdoor Wood-Fired Boilers (OWBs) plus accompanying definitions, with the following amendment:

Item #23 shall state:

*Outdoor wood-fired boilers (OWBs) shall be considered a conditional use in the rural residential and local commercial districts for residential uses only and only as a accessory use to a residence on lots equal to or greater than 3 acres. OWBs shall only be permitted as a source of providing heat and/or hot water for the residential use. Only one (1) OWB shall be permitted on any lot or parcel in those specific districts. A zoning certificate is required for OWBs.*

A second to the motion was made by Scott Anderson. A roll call was taken as follows: Greg Brezina-aye; Sue Brewer-aye; Jill Kemp-aye; Scott Anderson-aye; and Heather Sturdevant-aye. All were in favor and the motion passes.

**Other Business**

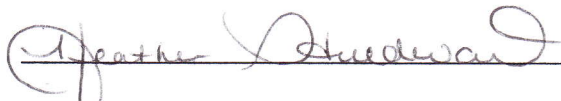
Chairman Sturdevant advised our next scheduled meeting will be on July 10, 2012 at 7:30 pm. The Trustees have a public hearing on the 18<sup>th</sup> of June at 6:00 pm and will be on swimming pools, 6:30 pm will be Wind Energy (may be switched, not sure) and 7:00 pm will be the regular meeting.

There is no information regarding training. Chairman Heather Sturdevant left a message for Bill to see if some dates are okay. We are looking at general information regarding Rules and Responsibilities of Zoning Commission and Board of Zoning Appeals, although the BZA is lengthy. She will keep everyone apprised of what will be happening. We may be looking more at the fall schedule, since summer seems to be a tough time to schedule training.

With no other comments, the Meeting was adjourned at 8:26 pm.

Respectfully Submitted

Sherry Clarkson, Zoning Secretary

  
\_\_\_\_\_

Heather Sturdevant, Chairman

7-10-12  
\_\_\_\_\_

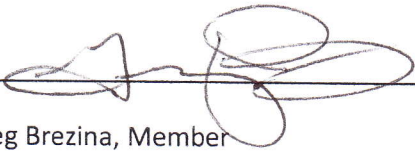
Date

  
\_\_\_\_\_

Jill Kemp, Co-Chairman

7-10-12  
\_\_\_\_\_

Date



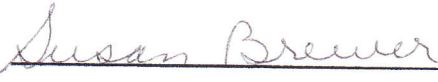
---

Greg Brezina, Member

7/10/12

---

Date



---

Sue Brewer, Member

7/10/12

---

Date



---

Scott Anderson, Member

7/10/12

---

Date