

Westfield Township Zoning Commission Meeting Minutes

February 12, 2013

The meeting was called to order at 7:30 pm by Chairman Heather Sturdevant. Members in attendance: Sue Brewer, Greg Brezina, Jill Kemp, Scott Anderson, Heather Sturdevant. Also in attendance was Dennis Hoops, alternate to the board as well as zoning secretary, Sherry Clarkson.

Guests in attendance: Matt Witmer, Zoning Inspector and Gary Harris, Trustee.

Minutes of January 8, 2013

The minutes were emailed to all members, plus a hard copy was distributed at the board meeting. Chairman Sturdevant asked if there were any additions/corrections to the minutes. Chairman Sturdevant asked that under the second paragraph, sentence four, the word nominate be removed and elect should replace it. On the additional paragraph starting with Chairman Sturdevant, the next sentence should read to elect Greg Brezina. Page 2, second sentence starting with..... It was noted the proposed language was sent out for feedback, this sentence should read it was noted the proposed language was sent out by the EPA for feedback (we do not know as to whom it was sent by the EPA for feedback). Second paragraph should read David Folk, not Falk. Corrections are to appear three times as Folk, not Falk as typed. With no other changes/additions, **Chairman Sturdevant asked for a motion to accept the 2013 January minutes as amended. Such motion was made by Jill Kemp and a second to the motion was made by Scott Anderson. A roll call was taken: Sue Brewer-aye; Greg Brezina-aye, Jill Kemp-aye, Scott Anderson-aye and Heather Sturdevant-aye. All were in favor.**

Highway Commercial

Nothing is back yet from Planning Services, as well as no dates have been released for training. Chairman Sturdevant asked "Do we want to find definitions on our own to continue to work on the project?" Chairman Sturdevant advised she will try and go up and obtain definitions from the Planners Directory so we can continue to work on the project.

North Coast Soccer

Chairman Sturdevant advised she is putting together a letter for David Folk for the North Coast Soccer. Questions arose on how a map came into play, which Bill wants us to adopt, which is not a site plan, just a map. Chairman Sturdevant asked Gary Harris and Gary advised he does not know how this came about. Ron advised that Bill brought before board, but did not know what prefaced this. Matt thought because the Soccer fields threatened to get an attorney and Bill wanted to settle everything down, because the soccer fields felt we were picking on them. We don't really know what is going on and hesitant to write a letter with relevant information, since we don't really know what is true. So in the letter Chairman Sturdevant advised- I have left it very general with that Bill Thorne approached the township with a map to move forward that everything is there and essentially we would be accepting whatever is there. The map we have is supposedly was given to us is what is currently there. Although,

since given the map the concession stands have popped up and I believe they are now removed. They were not on map originally. Chairman Sturdevant advised I need to try to finish up the letter because David Folk said we need to place anything that is relevant to the zoning commission but not necessarily included information from BZA that is not relevant. I can't see how the BZA information is not relevant, because this is with all that is going on. I am really struggling with this. I could make the letter twenty pages, based with what information we have. The information is to be what is relevant to the map and I must admit I do not really know. I mentioned this to Jill Kemp today that I think our best bet would keep it simple in our request for help and by just putting a brief synopsis of what has occurred with the zoning commission which Jill and Scott are the only ones which know what happened when this came to pass. Heather asked for information to be obtained from Jill and Scott of what has transpired and why the board is hesitant to just accept a map. Jill advised everything North Coast has done has been done under the table, since the beginning, citing the original building. The building was to be used for a dance hall, cited by Willy. Jeff Plumber advised the following week an article appeared in the paper that the building was going to be built specifically for soccer. It was noted everything they have done has been in the same mode, they are not up front of what they are doing and they do not abide by buffer zones, anything to protect neighbors (Hanna) which had problems (back property). Even the back parking lot was to be paved. Matt Witmer advised he noted a bond was obtained for the parking lot, but they are using the south side which was never paved, removed the chain link fence between campground property and North Coast Property owned all together, removed fence, filled in swimming hole and it is completely level with parking lot, so everyone is parking there also. It was noted he is not directing individuals to do that, but it is open so that it can be parked on. It was noted by Jill Kemp, they will do whatever they want regardless of what we say including the BZA. Jill Kemp advised when they wanted to change to LC, it was noted that they would have to set up specifics on restrooms etc, to meet specific zoning requirements. Chairman Sturdevant asked/thought doesn't the Ohio Revised Code establish how many restrooms are to be mandated by this? It was noted that each and every time they appeared, they would change their mind about what they wanted to do. They continually change their minds.

Chairman Sturdevant advised when she completes letter she would like to have Jill and Scott review and make sure this is correct, as she is hesitant to do, since she was not here at the time this all went down and Jill and Scott were on the board. Jill advised a lot of information was in the minutes which could be reviewed and obtained. It was noted going back, the minutes were summarized to a point and we may not be able to show all the details to prove this.

In 2008 when Heather came to the township, there was a meeting with the trustees and they were discussing the Hanna Property and the soccer fields and it wasn't just Mr. Hanna who was upset, there were a lot of people who were upset. Scott Anderson advised it was a lot of residents on Buffham at the meeting who were all upset. Essentially there were a lot of people at the meeting and the restroom issue regarding the ORC, public restrooms were to be installed, the trustees said something and advised they would be placed in, but didn't as the BZA changed something regarding bathrooms? Matt Witmer advised it was regarding the placement of the port-a-potties; (2 spaces per port-a-potty) did not really specify how many they were suppose to have.

This being said, the next question being asked about some of the parking lot was paved but since then it has overgrown. Matt Witmer advised they have since then covered in shavings. Chairman Sturdevant asked at what point they not comply. Jill Kemp advised that they are using more than what they may have been allowed to use. The BZA comes into play with some of the parking to the back; the front is controlled by the Zoning Commission. Matt Witmer advised they expect us to conform with what THEY want. Jill Kemp advised by giving them the map, they will continue to do what they want. Chairman Sturdevant remembers Jim stating he would like a map as a starting point to move forward. Chairman Sturdevant asked "Does the board not want or do?" They (the trustees) want a map to move forward with. Do we want to work with the map we currently have. If you look at the property presently, it is an eye-sore now. It is because they do not maintain what they have. By the same token, it is a great service they are providing to the community and it is a great location and how it is used. The problem is that they do not ever comply. How many new places like this have recently sprung up that you notice? They are beautiful and beautifully maintained and kept. This place is not kept up with. It was noted the facility on Rt. 18 is beautifully maintained with fencing and looks beautiful. North Coast does not look nice, even though they have problems due to being in the flood zone, to maintain and make it look nice. If they follow code it should be better and nicer than it is now.

The board asked Matt Witmer of his opinion of the services. Matt advised everyone likes the service that they supply regarding a place to play. Unfortunately, on the inside they haven't invested any money nor invested anything on the fields. Do I think if we have them live up to the code it would be better? Yes, the parking spots on the south side is nothing but a mud mess; no one will park there and walk. If we stay to our code, stating pavement or pavement bricks should have been there. It was asked the cost of team per session which is \$495.00; now there are 3 sessions (Oct., Jan & March) roughly \$1500.00 per team. Teams that play roughly on Monday nights are 10 teams. You also have Tuesday night & Wednesday, not so much on Thursday. The individuals keep saying they have no money. Chairman Sturdevant advised that she does not think that with the present economy anyone has much money, times are rough. There are certain standards which must be met. If we adopt a map (have asked Prosecutor's office about this and have been given no answer) and agree to carry forward from this point. What do we do if someone else comes along with the same thing? Does this make other issues with properties unenforceable? We don't want to make our zoning inspector's job any harder than it is.

The BZA gave them a variance in the back not to plant trees. In the summer when it is hot out, people want shade. Matt Witmer advised he has been to Strongsville where everyone clusters around the trees for shade. If they planted trees this would have helped, although you must trim trees, but they would have blocked the view and made it much easier on adjoining property owners.

We have to keep in mind that the BZA has accepted and allowed for some of the items which we are discussing, until their conditional zoning is up (controlling the back property); the only thing we can control is the front parcel. When this goes to the Prosecutor's we must realize this only covers the front parcel.

Chairman Sturdevant asked "Is everyone still feeling the same as before that they don't think that the map is a good idea to just approve and move forward". Another item, which we haven't been able to

obtain an explanation on because Bill won't be back until April due to retirement, dealing with a time frame in which he can return to work. This being said, Bill stated this is not a site plan review, just a map to know what is there moving forward. So, if we adopt the map, is this accepting everything which is on it? But, we must remember this is not a site plan review. Matt Witmer advised if you adopt map, you are adopting everything on it as is. Chairman Sturdevant advised she has the basics of the letter and was looking for a few more details and will cross check against the minutes.

Jill Kemp advised this sets a bad precedence for any business within the township. Anyone could say you approved this for North Coast, why not for me? Questions arose regarding Morning Star Farms, which we already have residents which are very upset about. It is being treated as a day camp and they asked for loud speakers, extending the distance of walking around the lake, increasing the number of individuals on the premises to 125, of which only 75 were approved and asked for a longer conditional permit time limit, which the BZA did not approve the limit they requested and cut down the time frame. Questions arose regarding when a problem would occur as to who should be contacted. There was some misrepresentation vs. talking to BZA at the meeting or contact the zoning inspector, from when the original conditional zoning permit was approved. Where does one stop? This is the concern.

Chairman Sturdevant advised she asked Bill, before he left and also David if we are limited/confined by time constraint of when the application/map came through. Their answer was "no", because this is not a site plan review, this is something that the township needs to do to move forward. They, meaning the township are getting plagued with these issues. We don't have to be in a rush to do this, as we are not in a situation to shut North Coast down. At a meeting, Jim advised we need something to have in order to move forward. It was noted by all means, we as a board can say no, and the Trustees can say yes. We as a board need to do what we think is right. Chairman Sturdevant asked Gary Harris, Trustee representative to zoning for his opinion. Gary advised if they are in violation of certain things and they haven't stuck to their word, then we should call them on it. If something should have been done years ago and is not, it needs to be done; citing an example of the refreshment stand last fall. Chairman Sturdevant advised that is when we first got the map if she believes correctly when the stands went up. It was noted the stands were erected in order to sell the food and donate the money to a church. It was noted the stands were taken down, but this does not mean they won't be back. It was noted that North Coast always just goes and does it, and worry about it later.

It was noted in going back that far in the minutes (1990's) they are very condensed and it is hard to remember timelines. Questions arose regarding the questions of bathrooms vs. port-a-potties and the health codes of the state. It was noted a building should have been erected just for bathroom facilities. It was noted if the state does not require, then the BZA does not need to mandate this either.

Chairman Sturdevant advised that writing a letter has become very difficult especially with her not residing and knowing exactly the history of what occurred. Chairman Sturdevant advised that she will come before the Trustees at their meeting and ask for their input before finishing up the letter. Greg Brezina stated it is important that they comply and live up to the code which is before them and what they said they would do. We as a board are not looking to shut them down or fine them.

Chairman Sturdevant advised but if we move forward as a board and set a time frame, they will have to follow time lines and be compliant with all codes, otherwise fines could occur.

It was noted when the state came in and took additional land for the road, things started to fall apart and there were questions as to who owned what and who was doing what, commented Gary Harris.

It was noted to Chairman Sturdevant by Bill Thorne that we did not have sufficient evidence. Now in looking through records and meeting minutes, we now found evidence which is different, along with finding a map in the files prior to property transfer. When Chairman Sturdevant called Bill in January, not knowing what was going on with his retirement, it was noted that Dave Folk would be needing a letter from the township zoning commission explaining what we are doing and asking in order to allow him to review the materials and get an idea of what is going on. All information is ready; the hard part is putting information together in a timeline, which so far has turned out to 12 pages. In looking through the materials, we need to decide what is relevant and what is not relevant and with the BZA information it has to be determined how much is relevant to what we are working on.

Mr. Folk will pull the file and prior to reviewing Matt and Heather will go and discuss the matter with him. It was noted that the board would like to take a BZA member and a Trustee along to the meeting. Due to the timeframe which this spans and due to the fact that this encompasses all three boards we need to have a member of each board present because there will be questions to be asked which we cannot alone answer, each commission, trustee, etc. can answer the questions being posed. Chairman Sturdevant feels that everyone should sit down together discuss and then allow David to look at file, then everyone getting on the same page and meet again and work forward. It is important that we are all on the "same page".

Greg Brezina advised we should then approach all boards. It was noted the BZA does not have any requirement to be met; they are through, although there may be questions. There are items Matt wants to pursue on a zoning level, as well as well as the zoning commission. Chairman Sturdevant advised the Trustees also have items regarding this map. We need to get on the same page in order to do that we need to meet with David to explain the situation, let him come to a conclusion, and then bring that conclusion to an open board meeting with all three boards. Chairman Sturdevant asked "Do you feel that this is a good conclusion and a good way to move forward?" Gary Harris asked if the board has the map which Bill wants to approve as well as the other maps? Chairman Sturdevant advised we have several maps. It was noted that Google Earth has overhead views of the property and the maps were printed out, as well as Auditor's office. With everything combined, we have a pretty good idea of when items occurred. Matt went through BZA information, Heather went through the Zoning Commission information and nothing has been looked at in the Trustees meeting minutes. As it stands presently, Gary Harris asked how many violations we are looking at. Chairman Sturdevant advised several....., trees, parking spaces, proximity to buffer zones and other properties, entrances etc., It was noted as by the conditional zoning permit allowed, the reason why the Sheriff Department is working some times and not deals with how many games are going on.

Chairman Sturdevant advised she moved here in 2004, and does not know what the traffic problem was previously, but there are some times; the traffic is backed up to I-71 & 224.

It was noted when the state came in and put a road in doing work, they (state) was to take out and they never did, so Willy now has another road going around. The state was to return the area to its natural state it was before and now they have another road, to which I am sure Willy never made them do this and it is used when they are busy. So now you have another road which does not meet our code, it just keeps going on. It is an eyesore for the individuals living within the township.

Chairman Sturdevant advised she will finish drafting her letter and will let Jill and Scott review prior to submitting. It was noted that David tends to be a little more strict than Bill Thorne, so we may get a different response than what we thought we might get from Bill.

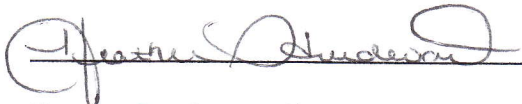
Other Business

At the last meeting we discussed topics in code to address in the future. Chairman Sturdevant asked for any input from members. There being none at the present time, it was noted to bring any questions forth at the next meeting.

The next meeting will be March 12, 2013 at 7:30 pm. **Chairman Sturdevant asked if there was a motion to adjourn. The motion was made by Jill Kemp to adjourn the meeting and a second to the motion was made by Scott Anderson. A roll call was taken: Sue Brewer-aye; Greg Brezina-aye; Jill Kemp-aye; Scott Anderson-aye; Heather Studevant-aye. The motion carries; the meeting was adjourned at 8:25 pm.**

Respectfully Submitted,

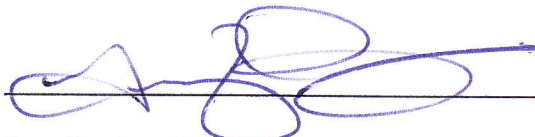
Sherry Clarkson, Zoning Secretary



Heather Sturdevant, Chairman

3-12-13

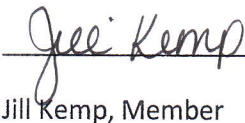
Date



Greg Brezina, Co-Chairman

3/12/13

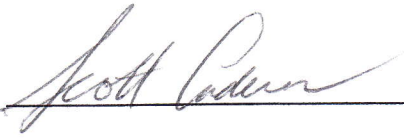
Date



Jill Kemp, Member

3-12-2013

Date



Scott Anderson, Member

3-12-13

Date

Sue Brewer, Member

Date

Dennis Hoops, Alternate

Date
