

**NORTHFIELD CENTER TOWNSHIP
BOARD OF ZONING APPEALS PUBLIC HEARING
July 19, 2018**

A. CALL TO ORDER:

Meeting called to order at 7:30 p.m. by Rick Patz, Chair.

Roll Call:

Mr. Patz, aye; Mr. Rudder, aye; Ms. Bielecki, aye; Mr. Christley, absent; Mr. Wolff, aye; Mr. Kaminicki, alternate, absent.

B. APPLICATION:

Applicant Alyson Nobles, Selbona Community Center, 8562 Olde Eight Rd., Northfield Center, has applied for a Conditional Use Permit to operate a community center/private club. Ms. Nobles addressed the BZA, she had applied for a community center where she would have members and she would offer services and activities to the members.

Mr. Patz asked if Ms. Nobles talked to Inspector Saunders when she submitted the application; Ms. Nobles said yes. Inspector Saunders said the application was in order.

Mr. Patz asked if food would be served.

Ms. Nobles said no food would be prepared, but members could bring food in.

Mr. Patz verified there would be no outside activities.

Ms. Nobles said no.

Mr. Patz asked what the hours of operation would be.

Ms. Nobles said 9am-11pm Monday through Sunday.

Mr. Wolff asked what constituted someone becoming a member of this private club.

Ms. Nobles said there is a membership fee, then they can partake in fitness and group activities such as exercise classes, chess club, cooking club, etc. Membership open to the Nordonia Hills Community. She would like to have a board of directors and have some bylaws, part of which would govern who can be a member.

Mr. Wolff asked if the list of proposed activities was still pertinent with the new application.

Ms. Nobles said the BZA has a list, but it can change as they go on. Babysitting on weekends won't be every weekend. She is not proposing a daycare; that would require licensing. She is offering occasional babysitting services to the community.

Ms. Bielecki asked what the ideal ratio of children to staff be for 5-7 year olds.

Ms. Nobles said there are 30 spots available. (12) potty trained – 4 year olds, (12) 5-7 year olds, and (6) 8-12 year olds. Will have a teacher for each age group.

Mr. Rudder asked if food was being brought in, would Ms. Nobles be seeking a permit for alcohol to be brought in.

Ms. Nobles said no.

Mr. Wolff asked if the dance instructors were qualified.

Ms. Nobles said yes, required to be certified and insured.

Mr. Patz asked if the members would pay dues annually.

Ms. Nobles said yes.

Ms. Bielecki asked if building has gone through health inspection.

Ms. Nobles said a health inspection is not necessary.

Al Lepri, 8775 Olde Eight Rd. said that 30 people were notified that have a direct interest in the proceedings. Wanted BZA to be aware of the importance of the decision they were going to make. He talked about Ms. Nobles referencing information from her previous hearing.

Mr. Wolff explained that he was asking questions of the applicant to determine where she was starting from with the current application.

Mr. Lepri felt that the items being presented by the applicant were the same as in the first hearing.

Bob Fisher, 7437 Dorwick Dr. He lives almost behind the applicant's property. This same situation was presented a few years back by the owner of the property and was denied. The property owner got a permit later on and had parties. He has a pavilion behind his house that he can hear music from. He is concerned with the music outside and with liquor being present.

Mr. Patz said that Mr. Rogucki didn't really present a thorough business plan but Ms. Nobles has a better business plan. There will be no outside activity, the BZA has already asked that of the applicant.

Mr. Rudder said that the noise issue was brought up in 2014 regarding Mr. Rogucki. In his hearings, Mr. Rudder has asked about noise level regulations. In the zoning code are provisions that regulate noise. Ms. Nobles is not asking for outside activities; Mr. Rogucki had asked for occasional outside activities.

Ms. Nobles felt that when Mr. Lepri referred to "the people" she doesn't understand who he expects to come in. She is opening her community center for the Nordonia Hills Community.

Mr. Rudder explained that some community members expressed concern regarding the Conditional Use permit granted to Mr. Rogucki, he had parties at the facility according to some community members. That is where the concern is coming from.

Mr. Lepri would like the BZA to refer to the previous hearing file. He feels that the purpose of this hearing is the same purpose for which the board denied the previous application.

Mr. Rudder stated that he reviewed the record and previous meeting minutes in preparation for this hearing. He also has handouts that were submitted by the applicant for the last hearing. He also reviewed minutes from Mr. Rogucki's hearings.

Ms. Nobles said that the filing for Selbona Community Center with Ohio Secretary of State's office is pending the BZA's decision before she pays to file to become an entity.

Mr. Rudder moved to close the Open Session at 8:24 p.m.

Seconded by Ms. Bielecki.

Roll Call:

Mr. Patz, aye; Mr. Rudder, aye; Ms. Bielecki, aye; Mr. Christley, absent; Mr. Wolff, aye; Mr. Kaminicki, alternate, absent.

C. BOARD OF ZONING APPEALS DISCUSSION:

Mr. Patz stated that he took a lot of time researching community centers, VFW's, etc. Ms. Nobles application fits many of these. She could have applied several different ways. These organizations are social organizations.

Mr. Wolff stated that he did more research looking at this as a community organization, which is in the same statement as fraternal organization, which gave

the YMCA as an example. He compiled a list of what a YMCA does and what Ms. Nobles is proposing to do. It is a social organization for the betterment of the people involved; it will also be a community organization if granted state approval. He felt this meeting was proper and he felt that it would be an improvement overall for the community.

Mr. Patz read a few sentences about what a community organization is that he found in his research.

Ms. Bielecki felt that there is a lack of these types of services for children after hours. Limited number of safe places. She sees where the term "community center" is fixed to a municipality, but Northfield Center does not run a community center.

Mr. Rudder said he reviewed the minutes from 2014 and the minutes from Ms. Nobles' previous hearing. Section 350.03E of our code addresses community facilities. E1, church or other place of worship doesn't apply here, E6, public safety facility doesn't apply, E4, meeting facility for fraternal or community organizations such as a YMCA does apply here. There is no definition of a community organization in our code. He researched around to find a definition outside of our code. Under 350.03, Section C7, the BZA is allowed to grant permits for studios for instruction of dance, karate or art. The last application was denied; he stated at that time that Ms. Nobles had some good ideas and he had no problem if there would have been a vote on a studio for instruction such as dance, karate, art. His concern was about the nightclub for kids being held all year long. He had suggested for a Continuance to allow the applicant to modify her request, which did not happen. The BZA has talked about what a community organization is by definition; he would be more comfortable if the community organization would already have been created.

Mr. Patz would consider granting a Conditional Use Permit with conditions.

Mr. Lepri expressed his concerns with the parking area of the proposed community center as well as the situation that Mr. Rogucki was given a Conditional Use Permit with conditions that were not complied with.

Mr. Rudder said that he will not hold the applicant responsible for any alleged wrongdoing by the former Conditional Use Permit holder on that property. It's the job of the Zoning Inspector to enforce the conditions of a permit.

Mr. Rudder moved that the applicant be granted a Conditional Use Permit to operate a community center or community organization under the name of Selbona Community Center, under Section 350.03, E 4 of the Northfield Center Zoning Resolution with the understanding that a community center is a place where people may meet in the pursuit of social, recreational, or cultural activities. The applicant will be granted the Conditional Use Permit under the name of

Selbona Community Center, pursuant to the code under section 350.03 A 7 to use the premises as a studio for instruction for dance, music, exercise, couponing, etiquette, traditional games, arts and crafts, etc. Hours of operation 9AM-11PM Sunday through Saturday. As a condition of the Conditional Use Permit being granted:

1. No outside activities.
2. No alcohol on the premises
3. No food preparation on premises
4. Noise regulation of the Northfield Center Township Zoning Resolution will be observed.
5. The applicant will be required to incorporate with the State of Ohio under the name of Selbona Community Center prior to the Conditional Use Permit being granted.

Seconded by Mr. Wolff.

Roll Call:

Mr. Patz, aye; Mr. Rudder, aye; Ms. Bielecki, aye; Mr. Christley, absent; Mr. Wolff, aye; Mr. Kaminicki, alternate, absent.

Mr. Rudder moved to reopen the public portion of the meeting.

Seconded by Mr. Wolff.

Roll Call:

Mr. Patz, aye; Mr. Rudder, aye; Ms. Bielecki, aye; Mr. Christley, absent; Mr. Wolff, aye; Mr. Kaminicki, alternate, absent.

D. APPROVAL OF MINUTES:

1. Mr. Rudder moved to waive the reading and approve the minutes of the Public Hearing of 7/12/18-53 Charter Drive.

Seconded by Ms. Bielecki.

Roll Call:

Mr. Patz, aye; Mr. Rudder, aye; Ms. Bielecki, aye; Mr. Christley, absent; Mr. Wolff, aye; Mr. Kaminicki, alternate, absent.

2. Mr. Rudder moved to waive the reading and approve the minutes of the Public Hearing of 7/12/18-Shady Oaks B&B.

Seconded by Ms. Bielecki.

Roll Call:

Mr. Patz, aye; Mr. Rudder, aye; Ms. Bielecki, aye; Mr. Christley, absent; Mr. Wolff, aye; Mr. Kaminicki, alternate, absent.

E. OTHER BUSINESS:

Mr. Rudder asked Trustee Reville if the BZA could meet with the prosecutor to discuss variance applications and meeting procedures.

F. ADJOURNMENT:

Mr. Rudder moved to adjourn at 9:17 p.m.

Seconded by Mr. Wolff.

Roll Call:

Mr. Patz, aye; Mr. Rudder, aye; Ms. Bielecki, aye; Mr. Christley, absent; Mr. Wolff, aye; Mr. Kaminicki, alternate, absent.

Respectfully Submitted,

Rick Patz, Chair

Date

Judy Flauto, Secretary

Date