

**WESTFIELD TOWNSHIP
BOARD OF ZONING APPEALS
PUBLIC HEARING
MAY 6, 2010**

Chair Schmidt called the public hearing of the Westfield Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members Daugherty, Micklas, Simmerer and Schmidt were present. Alternate Board member Kramer sat in for a full Board. Others in attendance were as follows: Mike Sweeney, Orlando Carrasco, Rocco Valento, Ron Oiler, Sue Brewer, Tim Kratzer, Gary Harris, and Matt Whitmer.

MINUTES

Mr. Kramer made a motion to approve the Board's January 26, 2010 meeting minutes as amended. It was second by Mr. Simmerer.

ROLL CALL-Kramer-abstain, Simmerer-yes, Daugherty-yes, Micklas-yes, Schmidt-yes.

The minutes from the Board's October and December 2009 meetings were signed as previously amended and approved.

**PUBLIC HEARING
VARIANCE REQUESTS/RENEWAL OF CONDITIONAL USE PERMIT/SITE
PLAN APPROVAL**

Northcoast Soccer-8809 Lake Rd.

Mr. Mike Sweeney representing Northcoast Soccer was sworn in. He stated that Northcoast Soccer was not really requesting anything new pertaining to their operation but would like to have their conditional use permit extended for a longer period of time if the Board saw fit. Chair Schmidt asked, if the Board did give a longer conditional use permit Northcoast Soccer would not conduct anything else in the foreseeable future but the playing of soccer and the holding of soccer tournaments? Mr. Sweeney stated that was correct.

Chair Schmidt then read the application as submitted for the variances: Article V. Vehicles Parking and Driveways-Section 505A. Parking area shall be striped between stalls; Section 505 B. Parking Areas shall be paved with hard surface pavement; Section 505C. Tree Planting Requirement; and Article III District Regulations in Rural Residential District-Section 303 D. Setback for parking area of 25 ft.-requesting a 20 ft. variance.

Mr. Sweeney stated they did stripe the parking area between the parking spaces but when it rains it is washed and worn away. He added they would redo the striping but it was not permanent in nature. Also, the parking areas are not hard surface paved but chip and seal. Mr. Sweeney stated they would also not meet the requirement of one tree planted for

every 10 parking spaces. Lastly they were requesting a setback variance of 20 ft. for parking areas to be less than 25-ft. from the property line.

There was question by the Board as to if there were enough parking spaces as the number of spaces is to be calculated by the use. Mr. Sweeney stated this was discussed once before and because the games are staggered there was no issue of all the traffic coming or leaving at the same time. He added that also due to the economy the number of traveling teams was down at this time which equated to even less traffic. Mr. Sweeney stated the additional access to the fields in the rear was also a big help in directing traffic on the site.

Mr. Sweeney continued there was now single entrance to the front parcel. He added the campground had its own separate entrance. When the State put in the new exchange, part of the road was cut off. It looked for all intensive purposes like another entrance to the soccer parcel but in actuality it was for the campground. He continued that now they have an entrance to the soccer parcel and the road that goes back to the other parcel.

Mr. Kramer asked, regarding the setback variance for the parking if the applicant had spoken to the owner of the Hanna property to have their setback for parking 5 ft. from the homeowner's property line? Mr. Guillermo Carrasco was sworn in. He stated the issue with Mr. Hanna is he did not want to see the soccer fields so they put up a fence and trees, etc. Mr. Carrasco stated he has not spoken to Mr. Hanna in about 1 ½ yrs. but when he did contact Mr. Hanna about his dogs coming onto the soccer property, he found out Mr. Hanna no longer lived there. Mr. Sweeney interjected that there is a heavy tree line to the north so that cars would not be in sight from the Hanna property.

Chair Schmidt asked Secretary Ferencz if Mr. Hanna was sent a letter as a contiguous property owner? Secretary Ferencz stated yes and she received no correspondence or communiqué back from Mr. Hanna.

Mr. Kramer stated his other concern was that on the application for description of conditional use; it states, "recreation-soccer, baseball, football, lacrosse, rugby, softball, ultimate Frisbee and future youth sports initiatives." Mr. Sweeney stated that 99.9% of their operation is soccer but they did not want to be limited to not being able to rent out a few fields if someone wanted to play frisbee or the like. He added however if that is not to the Board's liking, then he would cross that off the application and if they had the opportunity for another use they would come back to the Board and request that use. Mr. Sweeney stated they did not want to restrict themselves to a specific use but thought the broader range of uses would be conducive to the use of the property. Mr. Kramer stated he thought the uses seemed broad and vague and did not want to leave a door open where there could then be potential issues.

Mr. Micklas commented that he understood Mr. Kramer's concern and as written the application could allow the potential for motorized vehicle sport activities...Mr. Sweeney

interjected what if the conditional use permit could state that any uses that would have a more restrictive impact on the community would need to be approved by the Board of Zoning Appeals as a conditionally permitted use. He added it was not their intent at this time to change the use of the property being used for soccer as they have put much time and energy into preparing the fields for that use but if and when soccer was no longer profitable they would like to be able to expand the uses permitted on the property. Mr. Simmerer stated to him Northcoast Soccer has made reasonable attempts to buffer themselves from the neighbors.

Mr. Daugherty stated he would like to include the list of conditions that the Board imposed on Northcoast Soccer previously that are still pertinent to the operation. Mr. Sweeney stated he had no issue with those conditions. Mr. Micklas stated regarding the variances being requested, because they run with the land if the property was ever sold or changed operation, those variances with the conditions would have to remain. Mr. Micklas stated he called the Prosecutor's Office and spoke and with Thorne and asked him if the variances were granted could they just run with the time frame of the conditional use permit. Mr. Thorne stated that has not been dealt with in this part of the State but it could be done. The only issue is that when the conditional would expire the applicant would need to reapply for the variances. The rest of the Board felt that was good idea.

Zoning Inspector Matt Whitmer was sworn in. He stated that regarding the 20 ft. variance request for the parking setback, he wanted to clarify that has always been the parking arrangement it was not just clarified on the plan and therefore a variance had to be requested for Northcoast Soccer to be in compliance with the code. Zoning Inspector Whitmer continued that there also would have to be a lot of gravel or other surface material to drive on to get the 63 ft. width of pavement for the internal roadways and parking areas and he asked that the Board consider a time frame for this to be completed.

There was then discussion between the Board and applicant as to when this "pavement" could be completed. Mr. Sweeney stated the tournament season ends the 2nd week of June. The Board stated they would like to see the surface material completed by August 1, 2010.

Mr. Tim Kratzer was sworn in. He stated that Northcoast Soccer has come religiously though not always timely before the Board and have been good stewards of the property. They have spent thousands of dollars to please Mr. Hanna with a tree line and now Mr. Hanna is no longer there. Mr. Kratzer stated he believed the conditional use permit should be extended for a period of 5-6 yrs.

Chair Schmidt stated he agreed with the extension of time for the conditional. He added there have been so many things going on with this property over the last several years i.e. first the land was leased, then it was purchased, there were zoning changes on the

property, the State took the drive and the issue with Mr. Hanna. Chair Schmidt stated he recommended a 5 yr. conditional use permit.

Mr. Micklas stated he would like that the Zoning Inspector insure the drives are being maintained and that the grindings to be used for the surface pavement are in place, approved and maintained.

Mr. Kratzer suggested that the variances be granted as long as the conditional use would be for soccer. That way when Northcoast Soccer had to come back for their conditional use and the use remains soccer they would not have to apply for the variances again and put out more money. Mr. Micklas stated he did not discuss that with Mr. Thorne. He stated Mr. Thorne stated the variances could be granted for the duration of the conditional. When the conditional expires they would have to again apply for the variances. Mr. Kratzer interjected he was trying to save the applicant time and money.

Mr. Micklas made a motion to grant the following variances for Northcoast Soccer located at 8809 Lake Rd. per the application submitted and marked as Exhibit A for the use of soccer as follows:

Article V. Vehicles Parking and Driveways-Section 505A. Parking area shall be striped between stalls; Section 505 B. Parking Areas shall be paved with hard surface pavement; Section 505D. Tree Planting Requirement; and Article III District Regulations in Rural Residential District-Section 303 D. Setback for parking area of 25 ft.-requesting a 20 ft. variance.

These variances are to run consistent with the conditional use in terms of duration for a period of 5 yrs. This conditional use permit will expire on October 31, 2015. Road grinding to be in place no later than August 1, 2010. It was seconded by Mr. Simmerer. ROLL CALL-Micklas-yes, Simmerer-yes, Kramer-yes, Daugherty-yes, Schmidt-yes.

Regarding the conditional use permit, Zoning Inspector Whitmer stated there was a condition placed on North coast Soccer previously that they had to contact the County to discuss the increased size of the parking added on the eastern most point of the rear soccer fields by the Chippewa Ditch. He asked if this should be a stipulation that the County be contacted before the applicant starts applying the grindings to make sure there are no issues with their placement in flood plain area?

Mr. Sweeney stated they did receive County approval for the grindings on the east most point of the rear soccer fields by the Chippewa Ditch. Mr. Sweeney stated he was alright with that condition, but it was discussed that there would be a time restriction of 8/1/2010 to for them to lay the new grindings. Whether the County could comply with that time frame he did not know.

Zoning Inspector Whitmer stated if Northcoast Soccer was going to be displacing 5000 sq. ft. of material on the property then it was a Soil and Water Conservation District issue because it was in a flood plain. He added he just wanted to make sure it was done. Mr. Sweeney stated Soil and Water was concerned about the displacement of water. Depending on what is done FEMA and Watershed Management may also be included. Mr. Sweeney stated he was willing to work with the County but he just wanted to bring this to the Board's attention in terms of a time constraint. Chair Schmidt stated if the time-frame of 8/1/2010 could not be met, then the applicant would need to let the Township know. Mr. Daugherty stated that if the County stated the area was too wet to lay down grindings for the driveway/parking area then Northcoast Soccer could just not drive/park there. Mr. Sweeney stated they have shown 63 ft. of width for that parking area on the drawing but they would talk with the County and let them decide what would be required and they would comply.

Mr. Micklas made a motion to grant site plan approval for the Rural Residential portion of Northcoast Soccer per the application submitted, signed and date stamped 5/6/2010 and marked as Exhibit B for the use of soccer fields and other uses as listed in Section 303B.2.D of the Westfield Township Zoning Resolution. This site plan approval is in conjunction with the granting of a conditional use permit for Northcoast Soccer for a period of 5yrs. to expire October 31, 2015 with the following conditions:

1. Provide adequate number of restroom facilities and safety personnel
 2. Comply with Section 602 and Section 605 and all pertinent subsections in Section 606 of the Westfield Township Zoning Resolution
 3. Law enforcement to be there to direct traffic at the main entrance at the Truck Stops of America and the south entrance (not the emergency drive located at Rt. 224 on tournament weekends).
 4. That traffic control personnel be stationed inside the facility to expedite parking on tournament weekends
 5. The applicant will not utilize fields that are more than 2 fields deep from an access road unless they have adequate personnel carts to transport in case of medical emergency from a field to the paved drive
 6. No more than 250 teams shall play on any given day within the entire facility
 7. No games shall begin before 9 a.m. on the back field property adjacent to 5818 Buffham Rd.
 8. Provide mowing of landscaped area to control weeds
 9. Contact County to discuss the increased size of the parking added on the eastern most point of the rear soccer fields by the Chippewa Ditch
 10. No portajohns to be placed adjacent to the property line of 5818 Buffham Rd.
 11. Fire Inspector/Fire Chief to be provided a key for emergency access to the facility
- It was seconded by Mr. Kramer.

ROLL CALL-Micklas-yes, Kramer-yes, Simmerer-yes, Daugherty-yes, Schmidt-yes.

MISC.

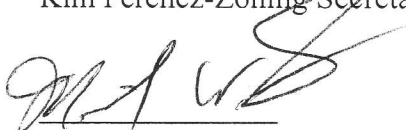
Zoning Inspector Whitmer handed out the applications for the Cloverleaf school sign. The BZA would make a recommendation on the request for an oversized sign for the new elementary school and would forward that recommendation to the Township Trustees. Secretary Ferencz handed out the letter from Ass't County Prosecutor Bill Thorne about Brown Field Situations i.e. where one public entity is requesting to do something in another public entity's jurisdiction and whose public interest is to prevail. Chair Schmidt stated he would give some dates for this meeting to be held and forwarded to them to the Secretary to contact the Board members accordingly.

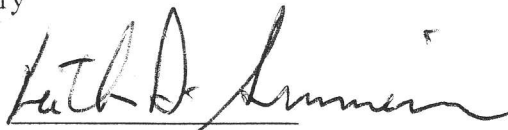
The Board also discussed when their vote was final i.e. the night of the vote or when the minutes are signed. There was also discussion about the Board doing written motions and written votes to bind the vote of the Board the evening of the hearing.

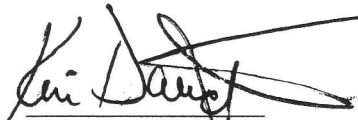
Mr. Kramer made a motion to create a policy for the Board of Zoning Appeals to sign meeting minutes within 30 days of a hearing/meeting. He stated this would prevent meeting minutes waiting 2-4 months just to be signed. The Board stated then there would be the issue of the Trustees having to pay for the Board to meet just to sign minutes. Mr. Daugherty suggested when a variance or conditional is denied then maybe there should be a policy stating that the minutes have to be signed within 30 days. Secretary Ferencz commented that a written vote would be the best way to go due to the mere fact that the Board meets so infrequently. If a written motion/vote policy were adopted then the vote would be binding the night of the hearing/meeting. The motion died for lack of a second.

Having no further business before the Board, Mr. Daugherty made a motion to adjourn the meeting. It was second by Mr. Kramer. All Board members were in favor. The meeting was officially adjourned at 9:10 p.m.

Respectfully Submitted,
Kim Ferencz-Zoning Secretary


Mike Schmidt


Keith Simmerer


Kevin Daugherty

Dwayne Kramer


Tom Micklas