

**WESTFIELD TOWNSHIP  
BOARD OF ZONING APPEALS  
ORGANIZATIONAL/PUBLIC HEARING  
FEBRUARY 23, 2011**

Secretary Ferencz called the organizational meeting/public hearing of the Westfield Township Board of Zoning Appeals to order at 7:35 p.m. Permanent Board members Daugherty, Evans, LeMar, Simmerer and Schmidt were present. Alternate Board member Courie was also in attendance. Others in attendance were as follows: Heather Sturdevant, Terry Bower, Jeff Karsey, Tom Finley, Rocco Valento, Mike Sweeney, Willie Carrasco, Rocco Valento, Bill Thorne, Ron Oiler, Jim Likley and Tim Kratzer.

**Election of Chairperson**

Mr. Daugherty nominated Mr. Schmidt as Chairperson of the Westfield Twp. Board of Zoning Appeals for the year 2011. It was seconded by Mr. Simmer. ROLL CALL-Daugherty-yes, Simmerer-yes, LeMar-no, Evans-no, Schmidt-yes.

**Election of Vice Chairperson**

Chair Schmidt called for nominations. Ms. LeMar nominated Mr. Simmerer for Vice Chairperson. Mr. Simmerer respectfully declined the nomination.

Chair Schmidt nominated Mr. Daugherty as Vice Chairperson of the Westfield Twp. Board of Zoning Appeals for the year 2011. It was seconded by Mr. Simmer. ROLL CALL-Schmidt-yes, Simmerer-yes, LeMar-no, Evans-no, Daugherty-yes.

**Liaison to Zoning Inspector**

Mr. Daugherty nominated Mr. Evans as liaison to the zoning inspector for the year 2011. It was seconded by Chair Schmidt. ROLL CALL-Daugherty-yes, Schmidt-yes, LeMar-yes, Simmerer-yes, Evans-decline to vote for himself.

**Adoption of Rules of Procedure**

Chair Schmidt made a motion to adopt the Board of Zoning Appeals Rules of Procedure as written. It was seconded by Vice Chair Daugherty.

Mr. Evans stated that per the meeting minutes of the Board dated May 27, 2010, a motion was made and passed to sign meeting minutes within 30 days of a hearing/meeting. Chair Schmidt stated that motion was rescinded by the Board at a later date.

Secretary Ferencz stated she and some of the other BZA members attended a training workshop on the Basics of Zoning. At that meeting a document was handed out that the BZA could use to vote and record their vote the night of the hearing. She added it may be a way to handle the issue of approval of meeting minutes and when the vote of the Board is final. Ms. LeMar stated she was also present at that workshop and commented that she felt it was a disservice to any applicant that comes before the BZA to have to wait 3

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months for meeting minutes to be signed and the vote of the Board finalized. This form would be a way for the Board to move forward.

Mr. Thorne state the only thing he would caution the Board on regarding making the vote final the night of a hearing, is that sometimes hearings run late and motions are made and votes taken that were done in haste. He added if the Board is comfortable with voting that evening that was one thing but it needs to be remembered that hearings can be continued if the hour is late and the Board feels it is not in their best interest to vote that evening.

Mr. Simmerer asked if there would still be an issue of the signing of the meeting minutes? Mr. Thorne responded no. Under the 9<sup>th</sup> district Court of Appeals, they have stated that the appeal process starts when written notice of the Board's decision has been served to the applicant.

Ms. LeMar stated that she felt t hat a written form would provide the opportunity for the members to review what they have written so to make any motions more cohesive in nature and not arbitrary or capricious. Mr. Thorne interjected that he sees this issue all the time with the Board of Zoning Appeals. The Board feels pressured to make a decision that evening and the result is that motions are worded poorly and that leads to confusion not only for the applicant but the Zoning Inspector as well.

The board members stated they would review the form and move forward with this discussion at a later date.

Chair Schmidt stated there was a motion on the floor to accept the Rules of Procedure as written and a vote needed to be taken.

ROLL CALL-Schmidt-yes, Daugherty-yes, LeMar-yes, Simmerer-yes, Evans-yes.

**MINUTES**

Mr. Daugherty made a motion to approve the December 28, 2010 meeting minutes as amended. It was seconded by Chair Schmidt.

ROLL CALL-Daugherty-yes, Schmidt-yes, Simmerer-abstain not present, Evans-abstain not a board member at the time of the meeting.

**PUBLIC HEARING-Idle Air use variance-8919 Lake Rd.**

Mr. Tom Finley from Omni Properties was sworn in. He stated they owned a piece of property at 8919 Lake Rd. and were looking for the temporary use of storage and staging on 2 acres of the total 14.62 acre parcel. Those who are storing the materials hope in the near future to lease a portion of the property from them to build their business at this location.

Chair Schmidt asked Mr. Finley if he was given and understood the criteria to be considered for a use variance? He continued that a use variance is to be seldom granted. A use variance must show an unnecessary hardship so severe that it would require a use

of the land not normally permitted to overcome the hardship. In the case of a use variance unnecessary hardship is placed on the applicant and the following must be demonstrated

1. the property cannot yield a reasonable return;
2. the plight of the owner is due to unique circumstances and not to general conditions of the neighborhood
3. the use being sought will not alter the general nature of the neighborhood

Chair Schmidt stated based on that information, he did not know if this land could be shown not to have any other viable use or reasonable return other than the use of storage and added he did not see any language in the zoning code that would allow for a temporary variance. Mr. Thorne interjected that the 9<sup>th</sup> District Court of Appeals has recognized the need for the issuance of temporary variances in certain situations. Variances are statutory and do not need to be addressed in the Zoning Resolution

Chair Schmidt stated the applicant would then have to prove to the board that the property in question could not be used for any other use. Mr. Finley stated he could not make that statement. He added however that they thought the temporary use of storage and staging would bring about the possibility of a business locating on the property in the not too distant future and the resulting tax benefits for the Township. Mr. Finley stated he was therefore not equipped at this time to meet the stringent guidelines for a use variance. Mr. Finley commented that he has been before 25 other communities and did not have to meet such stringent rules.

Chair Schmidt asked about the name on the application i.e. Susan Simon. Mr. Finley stated Ms. Simon works for Simon Environmental Planning which was the consultant working on behalf of Idle-Air who hopes to be the ultimate user of this property.

Zoning Inspector Witmer was sworn in. He stated this began last September when Ruhlin and the State of Ohio used this area per a conditional use granted to them. They have since ceased their operation and all of the sudden material started to show up on the site. Zoning Inspector Witmer added he sent a cease and desist notice and that was why there was a hearing this evening. Zoning Inspector Witmer stated that unfortunately Mr. Finley was just thrown into this situation this evening to represent the use being requested.

Zoning Inspector Witmer continued that he then contacted the Pros. Office as to how to proceed. He was informed this would be considered a use variance. Idle-Air was misinformed that they could use the property for storage and staging like Ruhlin and the State of Ohio had done. The difference is that Ruhlin and the State of Ohio were working on a government project while Idle-Air is not. The owners of the property were therefore mistaken that the use of storage could continue with Idle Air. In January 2011 apparently it has been discussed between the propertyowner and Idle-Air of making this an Idle-Air operation and not just storage and staging.

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Ms. LeMar asked what Idle-Air is? Zoning Inspector Witmer stated that Idle-Air provides for the access of heat, air, cable and internet service for a truck through a tube that is placed in the passenger's side window of the cab. That way a truck could be shut down at night which would reduce fuel costs. The original operation went out of business and Idle-Air has bought them and is trying to resurrect the operation.

Ms. LeMar asked if the only material on that property is what belongs to Idle-Air to begin their operation? Zoning Inspector Witmer responded there are a couple of trailers on site; one containing electrical equipment and the other that is being used as an office. The other materials are from other Idle-Air facilities at different truck stops. They are seriously considering make this property an Idle-Air facility if the details and financing could be worked out.

Mr. Evans stated had Mr. Finley presented a potential site plan for Idle-Air...but since there is no site plan the Board has to consider the facts that this property is being used for storage and nothing more. Mr. Finley stated with the application there were pictures and a drawing submitted. The Board stated that showed storage and nothing else. Mr. Evans reiterated that if a site plan would be submitted showing the intention of Idle-Air then maybe a temporary variance for storage would have been feasible to grant due to the fact that material is being stored there until an Idle-Air facility is built. Mr. Finley stated the intention is for Idle-Air to build but it was not for certain and he did not want to lie to the Board of the Township just to obtain approval.

Mr. Thorne stated he agreed with Mr. Evans that if they would have submitted a site plan showing the intent was not just for storage then a temporary use variance could probably have been granted. Mr. Daugherty stated the issue is they would be on their way to building something that was not permitted in the district. Mr. Thorne stated he thought it would be permitted if the Zoning Commission considered Idle-Air a truck stop as there were already two in the area. Chair Schmidt stated the truck stops are not a permitted use in the Highway Commercial District unless they would fall under gasoline filling stations. Mr. Thorne suggested Idle-Air they could possibly fall under as a conditional use. As that would be a similar use to what is already located in the area i.e. Section 202 B.

Mr. Finley stated they could revise their application and submit for a conditional use. However what about the materials that are on the property currently? Chair Schmidt stated it is illegal now just as it was back in September. Mr. Thorne interjected that if the BZA granted a conditional use it could be considered part of their construction progress and therefore would not be storage. The Zoning Inspector could give a specified period of time for the property owner to apply for a conditional use permit. Mr. Finley stated he could submit an application for conditional use within 30-45 days.

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Mr. Thorne asked if the Board would consider offering the applicant the ability to continue or to withdraw the application until more facts and information could be received.

Chair Schmidt asked each Board of Appeals member how they felt regarding the application before them and the issues at hand.

Mr. Simmerer: Is this proposed use of staging for a current project in Westfield Twp. or is that property just being used to store materials instead of somebody leasing or renting a facility/property to store materials?

Ms. LeMar: I would like to see by June 2011 a site plan or business plan or the materials had to be moved off the property. The present application for a use variance needs to be withdrawn and a new application submitted within 30-45 days.

Mr. Daugherty: I have no problem with temporary storage like what is there currently as that material already exists at the truck stop across the road, but I could not grant a use variance because the test is too high. I could see approving temporary storage under a conditional use permit.

Mr. Evans: We could allow for temporary storage but with the stipulation within a certain time period that Idle-Air has to begin building their operation or all material on the property needs to be removed.

Mr. Finley stated he would officially withdraw the application before the Board this evening and would move forward with an application for a conditional use permit.

Mr. Evans stated that there are requirements under the Highway Commercial District that need to be complied with and suggested Mr. Finley get a zoning book to find out the specifics of the zoning code.

Chair Schmidt stated that Zoning Inspector Witmer would proceed accordingly as to what he had to do as Zoning Inspector regarding this issue.

**Northcoast Premier Soccer-8809 Lake Rd.**

Chair Schmidt stated this was just a general discussion regarding Northcoast Soccer and a public hearing would need to be scheduled to handle Northcoast Soccer officially. The major issues discussed previously were as follows:

1. Natural or man made objects that inhibit the width of the driveway
2. If width of parking area driveway could be less than 63 ft.
3. Permission to park on natural or manmade maintained surfaces
4. For mound on western edge of property to remain in a natural state

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The Board then reviewed the May 6, 2010 meeting minutes of the BZA regarding Northcoast Soccer.

Mr. Sweeney went over the revisions on the latest site plan for Northcoast Soccer. He said the location of the portajohns were marked on the plan which were located within the drive. The small parking lot on the east side parallel to the Chippewa Ditch, they had their engineer show the placement of the trees and the parking spots they take up. The engineer also showed the natural barrier between the property line and the parking area.

Mr. Daugherty asked if there were areas where the drainage ditch goes through marked on the site plan? He added it needed to be delineated because it affected the parking width. Ms. LeMar asked the total number of parking spaces? Mr. Sweeney responded 1,067 parking spaces. That was the estimated engineer's numbers. There was no specific requirement for parking spaces for the soccer facility.

Ms. LeMar questioned the number of parking spaces and teams. Mr. Sweeney responded the parking appears adequate as the number of teams/games being played is staggered in time. During a tournament we monitor traffic flow. Every 15 minutes a set of 4 fields would be ending therefore the traffic is spread out and constant not just a mad rush at a certain time.

Ms. LeMar asked about leagues and tournament. She asked how many teams on average play at a tournament? Mr. Sweeney responded we are capped at 250 teams. Right now 200 would be a good turn out given the economy. If we have a situation where we would even be close to the 250 number we do play at other fields but that has not occurred for the past 2 yrs. Ms. LeMar asked if 250 teams could be accommodated at the Northcoast Premier Soccer facility? Mr. Sweeney answered yes. The 250 number was negotiated after one time where they had almost 300 teams playing on site.

Mr. Thorne asked how many parking spaces has the Board determined are required by Northcoast Soccer? Chair Schmidt stated the problem is there are two different sites and we are only talking about their rear site. Mr. Evans stated the issue is that the Township has never received a site plan for the front property so how could the Board consider 250 teams playing on the entire property? Ms. LeMar stated she looked at previous meeting minutes and did not see a specific number ever mentioned for parking. Mr. Sweeney stated parking spaces have previously been discussed but there was not a definitive formula to use because for sports facilities it is based on the number of seats which of course is not relevant to Northcoast Premier Soccer. Mr. Sweeney stated the number of parking spaces has never been an issue. It seems the issue was traffic flow and congestion which seems to have been somewhat alleviated with the second drive, the police controlling the traffic signal on Rt. 224 and the addition of a turn lane at the intersection.

Ms. LeMar asked what triggers the police becoming involved in traffic safety? Mr. Sweeney responded holding a tournament. Ms. LeMar asked what constituted a

tournament? Mr. Sweeney stated a tournament is a weekend long event with multiple games being played. Ms. LeMar stated if that is the case then there can be 250 teams when "leagues" were held? Mr. Sweeney stated we could but we don't. A league game is when you come and play a game and go home. A tournament is 3 possibly 5 games played over 2 days.

Zoning Inspector Witmer asked wasn't the issue with traffic congestion the day the Recycling Center held its round up just leagues being played? Mr. Sweeney responded yes but that was not our problem. It was exacerbated by those going to the truck stop, getting gas and going to the recycling center. Zoning Inspector Witmer continued that April 9, 2011 is the Recycling Center appliance round up day. Mr. Sweeney interjected that would be one of our first league weekends which is weather dependent. There would at least be 100 teams in attendance.

Mr. Carrasco stated he would be meeting with Mr. Troike sometime next week about tournaments and traffic issues. The Recycling Center was not our issue but we would try to work scheduling out and minimize any potential problems. The exact day and time was not determined at this time. Mr. Guillermo commented that nothing is perfect and it is hard to guarantee anything but he would contact Mr. Troike.

Chair Schmidt stated Mr. Carrasco needs to make application with the zoning Inspector to get this before April 9, 2011.

Mr. Evans stated regarding the restrooms on the site plan, Mr. Thorne stated previously for Northcoast Soccer to count how many portajohns Northcoast Soccer will utilize and how many parking spots they would take up and then just ask for that number of parking spaces to be eliminated for the conditional use permit.

Mr. Evans stated there should be barricades around the portajohns because they will be located in the parking area so people could get through but a car couldn't. Mr. Sweeney stated because of the size of the parking spaces and the portajohn location at the edge of the drive there is at least 15 ft. from the front of the parking lot to the edge of the drive so he did not see safety to be an issue in relation to someone coming out of the portajohn in relation to the traffic that was moving by there.

Mr. Daugherty stated if we do designate parking spots when we don't regulate the number of parking spaces? Northcoast Soccer should just show a parking area and put the portajohns in the parking area. Then the zoning inspector would not have to worry about the number of spaces and issuing a violation. Mr. Thorne interjected that he was under the assumption that a number of parking spaces are required. Mr. Sweeney stated it was determined by the BZA previously that the parking was adequate.

Ms. LeMar stated she was concerned if there was no control of the parking then anyone could park willy nilly and kids could potentially run between cars...Mr. Thorne stated the

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parking area would be designated on the site plan. Mr. Sweeney stated traffic flow and safety is very important to us especially when a tournament is being held. We have a purchased a golf cart that has been adapted to be a mini ambulance. If somebody gets hurt, it is Mr. Carrasco's job to get to front of the one of the drives and meet them and take them exactly where they need to go. We have entrances and exits that are designated for just for emergency/ambulance use.

Mr. Sweeney continued that they do stripe the parking when tournaments are held and that takes two days to complete. We are lucky to have all the games to be able to take place at our facility so as not to have the town completely jammed with traffic for an entire weekend.

Zoning Inspector Witmer stated he would like to address some issues that took place at the meeting of the Board and Northcoast Soccer on December 28, 2010.

1. Mr. Forest Thompson stated I was called a full 14 days before the deadline and I never came out. This is untrue. I was at the site on July 16, 2010 to check on the progress. There was new grindings laid in the middle of the drives but nothing towards the edges. The rear lot near Chippewa Creek was untouched, other than being mowed at some point. There were no new grindings there. There were numerous trees in the parking areas, near Chippewa Creek, that were not shown on the site plan. The site plan only had parking spaces.

Mr. Carrasco called me on July 19, 2010 at 9:14 AM and told me they were done. Since I was at the site just three days prior I asked if the parking area near the Chippewa Creek had been completed. Mr. Carrasco stated that the area had already been and approved by the Watershed people a long time ago. I explained that new grindings were required in the conditions and until that was completed the project was not done.

I did revisit the area again sometime after the first of August. Still nothing had been done any more than when I had been there on July 16<sup>th</sup>. At this time I measured numerous areas of the parking lot and discovered they were not 63' as the site plan had stated. There were several areas where sod was growing and, other than mowing, no effort had been made to remove the sod. I looked for new grindings in these areas but I could only find old stone, covered with dirt. The grass was not new and sparse, it was well established.

2. The Traffic problem was on October 16, 2010. That was what they called a regular league day. Mr. Sweeney stated they were having a "Small Tournament" the next day. He even admitted to calling it this during the December 28, 2010 meeting but he said he meant it was an "Invitational."



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3. I met with Mr. Sweeney and Mr. Carrasco on several occasions in August through October. They were told on several occasions what needed to be completed. Mr. Thorne was there at this meeting. Mr. Sweeney and Mr. Carrasco both argued that everything was done as required. Mr. Thorne stated everything was not done as required and therefore that is why I sent a letter to the Board of Zoning Appeals.
4. I contacted Mr. Dan Wilhoute, Medina County Engineer's Office and he sent me a copy of the permit Mr. Carrasco applied for. Mr. Wilhoite stated this inspector was on the site July 16<sup>th</sup>.
5. The person in charge of the Medina County Recycle Center, Bill Strazinski, told me that no one has ever contacted them since the Gregoire's owned the property.
6. Areas where they have made a swale to drain the water can be moved to accommodate the width of the parking area. They put it in they can change it.
7. Mr. Sweeney made the reference to have been working with the BZA for 10 yrs. From what I read in the minutes it has been continual that North coast Premier Soccer has not complied with what the Board has required. May times the question has been asked if they understand what they have to do and the next year they are back before the board being asked why things were not done. It is in the minutes.
8. I never once told anyone from North Coast Premier Soccer that "I" was going to shut them down as Mr. Thompson can be heard saying in the background at the meeting on December 28, 2010. At one point I did say to Mr. Carrasco that I would seek an injunction to stop their operations until they came into compliance after he started yelling on the phone and would not listen to reason. Mr. Carrasco became upset when I asked if he had done anything with the parking area near Chippewa Creek. He blew up and said he was going to get a lawyer and wasn't going to do anything.
9. Mr. Carrasco stated he completed the job on July 15<sup>th</sup> and called me to come out. It was actually July 19<sup>th</sup>. I was at the site on July 16<sup>th</sup> and it was not complete and the only thing there were construction vehicles.
10. Mr. Micklas stated in the December 28, 2010 meeting that everything was supposed to be paved and or covered with grindings from Section 505 (B) but Mr. Thompson, their attorney, was arguing that fact. This is a requirement of the code.
11. In reference to Mr. Sweeney stating I am going to shut them down for not closing the front entrance is totally wrong. I told Mr. Carrasco that I would seek an injunction after his refusal to complete what was required of them. They need to understand that if they continue to refuse to comply then I will seek an injunction.

I know "I" do not have the authority to shut them down. I know it has to go to the Medina County Pros. Office and then before the Medina Common Pleas Court. I can start the process if needed.

It was discussed in length back in May with Lee Evans who was Ass't Zoning Inspector at the time, Mr. Thorne and myself about the two entrances in particular the one off the new road the State put in and it was agreed that entrance needed to be shut down. ZI

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Witmer continued that he spoke with Northcoast Soccer about it and a letter sent out to Northcoast Soccer but in the interim Mr. Thorne changed his opinion that since the State put the road in it was not due to Northcoast Soccer and therefore they did not need to close the entrance.

ZI Witmer stated on his numerous trips to this property there was junk and scrap sitting at various locations on the property. There are also issues with the campground with abandoned trailers on the property with trees growing through them.

LeMar stated the Board depends on Zoning Inspector Witmer to be the eyes and ears of the community. We as a board need to give you a clear picture of what you need to do. I believe it should be a literal interpretation of the code to treat everyone the same. There needs to be clear standards as to what is to be enforced and continuity in enforcement.

Northcoast Soccer was offered the opportunity to respond to Zoning Inspector Witmer's comments. Mr. Sweeney responded he did not want to get into a "he said she said argument." The meeting on December 28, 2010 was not clear as to what was required of them to comply with and he just wanted to press forward this evening. Ms. LeMar interjected that Zoning Inspector Witmer was not at the December 28, 2010 meeting as there was a death in his family not that he chose not to attend the meeting.

Mr. Carrasco stated he was so sorry he came to Westfield Township is trying to run this business in this community. He stated, "I don't want to talk about this anymore. We got a lawyer because we thought we were in big trouble to defend ourselves. I cannot win. It is my word against Zoning Inspector Witmer. My reputation is so low the board will believe anything. I cannot believe how many times I have been before the Trustees...I am being picked on. We bring business to the community and I only hear garbage. I got no help from anybody. The State changed the rules and cheated me out of developing and using my property. I thought the last meeting everything was o.k. that the Board was going to work with me but here we go again. I don't know what to do. We should have brought our lawyer with us. I am desperate, upset and mad. We will never finish this thing because the zoning inspector will find something else wrong. I thought we have everything worked out...I just want to sell and get out of here in the worst way. I am done and I am tired. Good night."

Chair Schmidt stated this was just an informational meeting tonight about Northcoast Soccer because the board cannot make a decision without a hearing being held. Mr. Sweeney stated he understood and added that they thought they were on the right path and hoped to not have to come to anymore of these meetings. Mr. Thorne has given several opportunities for us to address these issues and we will do so.

Mr. Sweeney then asked how the mound should be addressed. Mr. Evans stated at the last meeting the mound was required to be mowed and maintained. Mr. Thorne stated Northcoast Soccer could request a modification to their conditional regarding the mound. The site plan would need to be amended so all that was discussed previously was

covered. It is not the board making issues for Northcoast Soccer it is Northcoast Soccer that has made its own issues by non-compliance. Mr. Sweeny stated the mound was to appease Joe Hanna. When Joe saw what was involved he wanted it to remain natural and we were in favor of that as well.

Let's work this out. We will submit an application accordingly. ZI Witmer asked that one copy be submitted so that if there were issues that were incomplete or not correct they could be corrected before it would be sent on before the Board.

Zoning Inspector Witmer stated he needed to address these issues and needed to enforce what the board has approved. That is my job.

Mr. Daugherty stated he had a list of 5 issues that needed to be addressed by Northcoast Premier Soccer

1. Regarding the width of the parking area where the drainage ditch is located
2. Grass growing up through grindings
3. Deal with trees shown on site plan like with portajohns (take parking spaces away if a tree is there)
4. Portajohns shown in designated areas
5. Maintain the buffer

Ms. LeMar stated she would like to reopen the issue of traffic control. Mr. Thorne stated that unless an item was asking to be modified by the applicant, the Board cannot change the conditions. Ms. LeMar stated she was not comfortable about what constituted a tournament, invitational or league game in terms of traffic control and safety. Mr. Sweeney stated regardless if it was addressed in the conditional, safety was their utmost priority. During the particular weekend in question we invited 50-60 teams to play in place of the 150 league teams so there was actually less traffic. That is why there was no traffic control that weekend. Ms. LeMar again stated that Northcoast Soccer needed to contact the Recycling Center regarding scheduling of the games and events that were held at the Recycling Center. Mr. Sweeney reiterated that has been done but apparently there was a non-communication or miscommunication with the Recycling Center or there was a different chain of communication and added that he has never been in contact with anyone named Mr. Strazinski at the Recycling Center.

Mr. Sweeney continued that there was nothing that could have been done to alleviate the traffic congestion due to the games being held and the round up the Recycling Center. There were actually cars/trucks parked on Lake Rd. to get to the Recycling Center to unload their used appliances because the drive was completely full. Mr. Sweeney stated he could not offer a suggestion to rectify that situation.

Mr. Evans stated when the Recycling Center offers a paint round up it takes much longer than just somebody dropping off an appliance and therefore the resulting traffic mess. Now the paint round up is supposed to take place at the Fairgrounds to alleviate that

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potential situation. Mr. Thorne stated he was in line at the Recycling Center last April and the soccer people actually were driving on the berm to get to the soccer fields.

Ms. LeMar asked that Northcoast Premier Soccer be in contact with Zoning Inspector Witmer at least once a month during soccer season to potentially head off problems so that Northcoast Soccer would not end up back before the Board. She added she has read minutes back from 1997 that Northcoast Premier Soccer and Medina Sod have repeatedly come back before the Board regarding non-compliances.

Chair Schmidt stated there are businesses in that area that are in violation of the zoning code but Northcoast Premier Soccer conditional and what was expected of them is very specific.

Zoning Inspector Witmer stated he was willing to work with Northcoast Soccer and to move forward. Representatives from Northcoast Soccer stated they too were willing to work with the Township.

Zoning Inspector Witmer stated he was trying to do with what he was authorized to do as zoning inspector. He said he had to enforce the zoning code and what the BZA has required as part of a conditional. The BZA stated they understood and would be more diligent in their approach to motions and setting conditionals.

Zoning Inspector Witmer then addressed the issues he had with the Board regarding the meeting held on December 28, 2010.

1. I contacted Mike Schmidt on December 23, 2010 and advised him that my father in law had died the day prior and his funeral was scheduled for December 28, 2010 in Tiffin, Ohio. I explained that since Northcoast Premier Soccer hearing was that night he could either reschedule the meeting or I would call in and he could place me on speaker phone and they could ask any questions they had of me. It was my understanding that I would call Mike to see if they had any questions. On the night of December 28, 2010 I placed three phone calls. One to Mike Schmidt's cell phone, one to Kim Ferencz's cell phone and one to the Westfield Township Hall. I did not receive an answer from any of them.
2. Way back in March 2010, Mr. Micklas called me with his concerns on the site plan and variance application for North Coast Premier Soccer. He told me that the BZA has been having problems with getting Northcoast Premier Soccer to do what they were required to do for several years. He stated they are given conditionals and do not meet them. Mr. Micklas asked that I make sure they come into compliance with the conditions that are set. Mr. Schmidt also has stated that they have had continual problems with North coast Soccer and getting them to do what was required of them.

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Mr. Daugherty asked me last summer what was being done about the portable toilets in the parking lot of the soccer fields.

3. What does the “Spirit” of the thing mean? What does literal interpretation to the “Enth Degree” mean? You cannot expect me to ignore either the Westfield Township Zoning Resolutions or what conditions are set on a conditional use. I have to be literal. I cannot afford to make up the rules as I go.
4. When Mr. Sweeney challenged as to my not being there at the meeting no one spoke up and told them the reason I wasn’t there.
5. Mr. Likley stated that he has asked every time I have come before their board that I clear my communication through legal counsel. This occurred at one meeting and after that meeting I was told by Mr. Harris that I did not have to do this. I do not recall any other meetings where Mr. Likley made reference to this. Mr. Likley’s comments about the literal interpretation of the zoning code and conditionals is greatly appreciated.

Zoning Inspector Witmer stated he needed to let the Board know how he felt about that meeting. The Board stated they apologized if it appeared that the Board was not supportive. The Board stated they will try to be more diligent in preparing conditionals. Chair Schmidt stated that he realized that Zoning Inspector Witmer was new but this was something that has been going on for so long...but the Board appreciated all Zoning Inspector Witmer’s hard work and due diligence.

**MISC.**

Zoning Inspector Witmer stated a letter was received from Mr. Kratzer about absolution regarding the Ruhlin pond. It has been satisfactory since October 2010. Also Ruhlin has reclaimed the property back to its prior condition satisfying their temporary conditional.

Mr. Thorne stated regarding the issue of a fee for Northcoast Soccer, if the Board had another meeting scheduled and they could come in then the fee could be waived but that would be the decision of the Trustees.

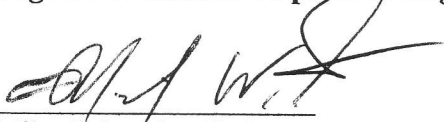
Zoning Inspector Witmer stated there was another potential application before the Board and he would review it with Mr. Evans before forwarding it to the Board for a hearing. , Having no further business before the Board Mr. Daugherty made a motion to adjourn. It was seconded by Mr. Evans.

ROLL CALL-Daugherty-yes, Evans-yes, LeMar-yes, Simmerer-yes, Schmidt-yes.

The meeting was officially adjourned at 10:21 p.m.

Respectfully Submitted,

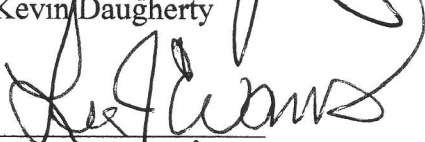
Kim Ferencz-Zoning Secretary



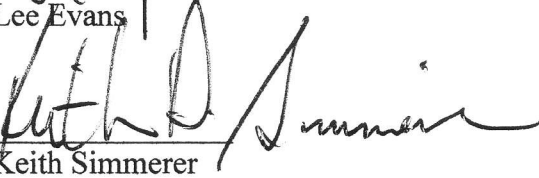
Mike Schmidt, Chairman



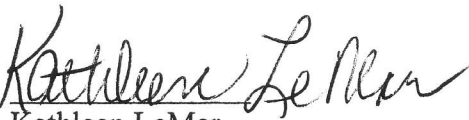
Kevin Daugherty



Lee Evans



Keith Simmerer



Kathleen LeMar