

Westfield Township

Board of Zoning Appeals Public Hearing Meeting

March 29, 2012

The meeting was called to order at 7:30 pm by Chairman Michael Schmidt. Members in attendance: Lee Evans, Kevin Daugherty, Patricia Kwas, Michael Schmidt and Sherry Clarkson. Members absent were: Wayne Moore (in Columbus) and Kathleen LeMar. (Ms. LeMar was not in attendance at the start of the meeting, but did arrive late). Guests in attendance: Tom Palecek, Mark Delema, Gary Harris, Harold Smith, Chuck Ralston, Robert Wellert, Ron Oiler, Jim Likley, and Matthew Witmer. Pat Kwas was sitting in for Kathleen LeMar who would be arriving late at the meeting. Pat Kwas advised that 30+ years ago she worked for Mr. Palecek and upon her turning in her resignation, there was some question as to being paid for vacation time. Due to the fact at the meeting tonight whereby Mr. Palecek is representing the applicant, TA Operating LLC, Mrs. Kwas felt that a conflict of interest may exist, therefore she would not be a voting member this evening. Mr. Schmidt advised at tonight's meeting a quorum shall exist in order for the meeting to occur. A quorum did exist as Mr. Evans, Mr. Daugherty and Mr. Schmidt were in attendance. It was noted a quorum shall consist of three (3) voting members of the board. The concurring vote of three (3) members shall be necessary to affect any order. The applicant shall be advised that if a full 5-member board is not present, the applicant shall have the right to request a continuance of the request until a full 5-member board is present. Mr. Schmidt made Mr. Palecek aware of the circumstances and Mr. Palecek advised he was willing to go ahead with the meeting with three members present.

Mr. Palecek introduced himself to members present and advised he was representing TA Operating LLC a division of Travel Centers of America today with reference to purchasing the building previously operated Select Facility. Mr. Palecek advised they have entered into a contract with Select Facility to buy the building and but are in a holding pattern due to a conditional permit being granted in order for TA Operating to purchase the building. They will not be doing anything different than what is being done across the street. They train truck repair, restaurant training and will be bring in people for training at this location and will be brought in every two weeks for training. Tonight Mr. Palecek brought Mark Delema to the meeting who is in charge of field training. He would address any questions members have as well as Bob Wellert who is the engineer on the project and has done the plans being submitted tonight. Individuals being brought in will stay at the motel on premises as well as stay within a short distance of a motel/hotel depending how many trainees are coming in at a time.

Mr. Mark Anthony Delema Sr. 148 Grove Street –Lodi, Ohio was sworn in and he advised he has been a manager for 12 years and the training center is behind the TA Center is on premises roughly 40 students at the most and 15 students at a minimum. The old Howard Johnsons is the training facility presently for truck service technician training, restaurant, store, QSR Managers, and truck service managers. By moving across the street it will be a better facility along with a much better set up. By

relocating, the current facility will be turned back into motel rooms. Presently there are 7 rooms and the existing rooms have been turned into conference rooms, which will be turned back into hotel rooms.

(Ms. LeMar arrived and took her seat on the board).

Mr. Delema advised by moving across the street, two truck bays will be maintained in the new building which will allow more room for working and learning. It was noted that while employees train, it takes about 5 weeks and while here they can visit the home headquarters in Westlake, Ohio.

Mr. Evans advised he noticed in the plans that they have a restaurant lab set up, he advised if this is so, it will need to obtain the correct permits, along with health certificates. Mr. Delema advised it will be treated as a lab, computer lab, there is no cooking kitchen. Mr. Evans asked if there would be tire storage, due to fact fire department would need to know any hazardous materials. Mr. Delema advised there would be no tire storage. There will be three trucks and a trailer in the facility for training.

Mr. Daugherty advised that TA Operating has requested a conditional use under similar use in our zoning. Section 701 "it is the intent of this article that nonconforming uses and structures be afforded reasonable opportunities for extension, but not be used as grounds for adding other structures or uses prohibited elsewhere in the same district."

Mr. Thorne advised that he has no problem with the application, since it is a similar use....They will be working and training, there is no problem as far as he is concerned. Regarding the motel it is an ancillary use as to the training facility it is not a non conforming use.

Mr. Schmidt asked as per Section 703 Item #H, Conditional Uses. All legally nonconforming uses which exist at the time of passage of this Resolution or amendments hereto and which are conditional uses in their respective districts under this Resolution shall be issued conditional zoning certificates within one (1) year after the passage of this Resolution or amendments hereto by the Board of Zoning Appeals. Failure by the Board to issue a conditional zoning certificate within one (1) year shall not affect the status of the use as a legal nonconforming use. Mr. Schmidt asked what does this mean? Mr. Thorne advised (eg. Having a garage before and now you are learning in a garage, it is an ancillary use, it cannot be non-conforming) If you are now training individuals in that garage, it is ancillary use to what is going on. It sounds confusing, but you can't grant a nonconforming use to a nonconforming use, it has to have been an ancillary use. Now going across the street it is a similar use. The section you have read is confusing and does not make any sense. This will need to be addressed by the Zoning Board down the road. (Zoning Commission needs to look at non-conforming use, and decipher and clean up language, as well as removing #22).

Mr. Evans advised he had no problem in allowing this as they are taking the training center across the street and taking the hotel back to what it was years ago and allowing staff to stay on the facility while training.

Mr. Wellert, the engineer who worked on the drawings was present to address questions, it was noted that they are not changing anything on the outside of the building. Mr. Evans advised that regarding any signage, will needs to have permit, we only as a board will grant regarding the building, not any signage to **be put up.**

Mr. Daugherty advised all questions were discussed and answered as per section 605 General Standards for All Conditional Uses, Mr. Daugherty proceeded to go over Section 606, Specific and Supplementary Conditions (refer to Page 63, 64, 65, 66, 67 , 68 (Specifically specifying no parking of trucks or trailers on the outside of the building). Mr. Daugherty proceeded to review Item #32, Page 73 Similar Use and read the verbage . After reviewing and reading, Mr. Daugherty advised in his personal opinion he did not think that any items would be violated. Lee Evans advised he is fine with what has been presented, anything done, will be all internal and they are not changing the footprint of the building. Ms. LeMar advised she did not have any problem with it either. Mr. Schmidt advised he did not have a problem either.

Mr. Likley -9585 Daniels Road Seville, Ohio – Trustee, advised for his clarification and maybe the boards regarding dorm rooms, training and like space. His recommendation is as a board acknowledge as an ancillary use. This gives basis and foundation as a conditional use being proposed for across the street. The clarification is that this is a similar use being done. What we are saying is that what is being done next door is a similar use .

A motion was made by Kevin Daugherty to grant conditional use permit to TA Operating LLC per the application and attached drawings (Exhibit A) due to the following: The board finds that the existing use being conducted at 8834 Lake Road is an accessory use to what is being performed currently on the property and that the application for this conditional use is a similar use to that being performed across the road (it was noted anywhere ancillary is stated, we should use accessory instead). Section 606.32 Details of Procedure for Determining a Similar Use as follows, (insert A,B, C, D) and the board finds this request does fall under the similar use standard.

Kathleen LeMar asked.....Could we just simply BZA recognized the use of the training facility and dorm at 8834 Lake Road as an accessory use. BZA grants a conditional use permit for the facility at 8845 Lake Road as a similar for the purpose of truck stop employee training . Then insert 606.32 section information. (copy of official notice by board was emailed to members on 4/23/12)

A roll call was made as follows: Kathleen LeMar –aye; Kevin Daugherty-aye; Lee Evans-aye; Michael Schmidt –aye. The Motion passes.

Minutes of February 9, 2012 Meeting

A motion was made by Lee Evans to approve the minutes. A second to the motion was made by Kathleen LeMar. A roll call was made: Kathleen LeMar-aye; Kevin Daugherty-aye; Lee Evans-aye; Michael Schmidt-aye. The motion passes.

Members reviewed the Conditional Use Form and input as follows: Make font smaller, less area for writing, make it more uniform like other forms. It was noted that on Conditional Use application, the zoning inspector has a second page on his application which needs to be completed by board members . Add phone numbers, pull off work sheet information, work on a numbering system. Input was provided by members and Mrs. Clarkson advised she would work on another application.

Rules of Procedure

Amended and Adopted on the first page need to be removed.

Second Page Item #4-before Duncan Factors put in sentence Rules of Procedure and the appropriate notice of board action which contains the Duncan Factors based in making the decision and then forward to the application to the secretary.

Under Item 3 e, #6 add ...is denied by the board.....under f #3, add commas after acting chairperson, presiding officer, or secretary may administer oath

Page 4, Item (j) should be after(N) (L) make Any (K) a period after meeting.

New Business

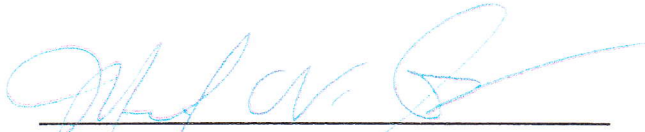
The zoning inspector advised there are trucks parking by the "old" truck wash. Discussion followed by members regarding the trucks using the parking lot as truck storage. This would be addressed by the Zoning Inspector , asking the trucks to be removed from the premises.

Adjournment

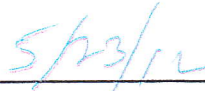
A meeting was made by Lee Evans to adjourn the meeting and a second to the motion was made by Kevin Daugherty. All were in favor. Meeting was adjourned at 9:15 PM.

Respectfully Submitted

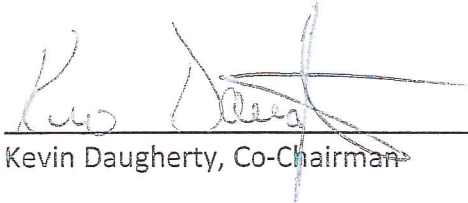
Sherry Clarkson



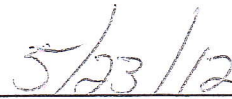
Michael Schmidt, Chairman



Date



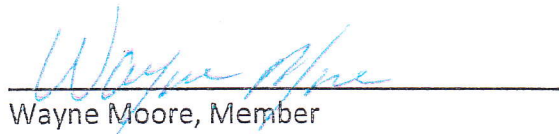
Kevin Daugherty, Co-Chairman



Date

Lee Evans, Member

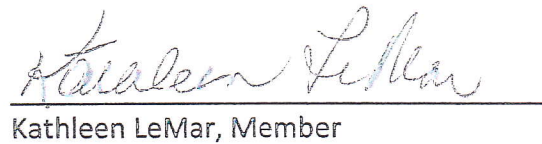
Date



Wayne Moore, Member



Date



Kathleen LeMar, Member



Date