

Westfield Township Board of Zoning Appeals

IDLE AIR CONDITIONAL USE

Application # 2013-12-1

Lee Evans, co-chairman opened the meeting at 7:32 pm by asking for roll call. Those in attendance: Kathleen LeMar, Wayne Moore, Patricia Kwas, Kevin Daugherty, Lee Evans. Michael Schmidt was absent.

Lee stated the purpose of this public hearing was to consider a Conditional Use Application from Idle Air represented by their agent Brian Mac Donald.

Brian was called to state his case after being sworn in by the secretary.

- In the past there was a similar system at Travel Centers of America but went out of business due to poor management and was bought by Idle Air.
- This system provides the driver the same amenities as a motel and allows the engines to be shut off. By the trucks not idling it saves about \$2.00 an hour with engines shut off. During 2008 this system operated 150,000 hours at TA; in 2009 100,000 hours.
- Mr. Mac Donald pointed out that this is similar to a motel/hotel which is a permitted use in the area requested and an accessory use to the truck stop. This system could be used for pickups, and RV's.

Questions and answers:

Kevin: Why did Idle Air leave TA?

Brian: Because the company owed TA money. Idle Air purchased back the equipment and stored it all over the US.

Kevin: Will there be a building?

Brian: Yes, a metal building will be on the property for servers and houses a reverse ATM machine. There will be trusses above the driving spaces. The installation is clean and quick. There are 30 spaces and the paving will be repaired.

Lee: Will the steel pillars set in concrete?

Brian: Yes. We have 38 locations nationwide: 4 in Texas, 1 in LA, 1 in Ohio (1 of 4). They are also in truck terminals and we are the only company with this service.

Kathleen: Is this all electric?

Brian: Yes, we hire a technician from Austintown

Kathleen: Is the supplies Lorain Rural Electric?

Lee: No, Ohio Edison

Lee: What about signage.

Brian: There is not any signage now. We have talked some about it but we are in the midst of redoing our signage. With the trusses and yellow hoses up in the air it will be noticed.

Wayne: What are you reusing?

Brian: We are reusing the galvanized steel trusses, stainless steel cabinets and will replace hoses with new yellow/green where worn

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- Patricia: Is there chain link fence?
Lee: Chain link fence is already there.
Kevin: What about the noise.
Brian: The units are quitter than units at home. In the summer there will be drip condensation from the air conditioning. Each space has its own air conditioner in an insulated cabinet. We recently started a promotion Nov. 1, 2013 to increase the number of hours per rate charge
Kevin: Will there be additional lighting?
Brian: No, the lighting is already there; we don't need to add anything to it.
Lee: Are here any other questions?
Kathleen: Are you thinking of an accessory use?
Lee: According to Bill Thorne it is a similar use and that's what we had him apply for.

There was a lengthy discussion if the parking is in the side or rear yard.

- Lee: Where they are parking it is the rear yard.
Kathleen: Where will the building be located?
Brian: It will be an 8'x30' metal building.
Lee: Will you have ballards around it?
Brian: Yes
Lee: Are there any more questions; if not, is everyone ready to move forward to vote?
Roll call: LeMar, aye; Moore, aye; Kwas, aye; Daugherty, aye; Evans, aye.

The board took each question to show basis for decision

Article VI Section 605.A-G

1. Will be harmonious in accordance with the general objectives or with any specific objective of the land use and thoroughfare plan of current adoption. **Yes**
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. **Yes**
3. Will not be hazardous or disturbing to existing or future neighboring uses. **Yes**
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole. **Yes**
5. Will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service. **Yes**
6. Will be in compliance with State, County and Township regulations, including the Township Comprehensive Plan. **Yes**
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads. **Yes**

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Article VI Section 606.A.32.a-d (similar use) see attached summary attached

- a. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district or of a conditionals use or uses already existing in the district; and whether the use has characteristics and impacts more consistent with those of the permitted uses of the permitted uses of the subject district than with the permitted uses of any other district. **Yes**
- b. Whether the establishment of the use in the district will significantly alter the nature of the district. **No**
- c. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district. **No**
- d. Whether the use typically requires site conditions or features, building bulk or mass, parking or other requirements dissimilar from permitted uses, typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks. Part #1 **NO**
Part #2 **NO See variance application**

Kathleen LeMar made a motion to grant the Conditional Use Application # 2013-12-1 as stated in the application as per the above reasons, noting as presented a variance will be required, seconded by Wayne Moore. Roll call: Pat Kwas, aye; Kevin Daugherty, aye; Lee Evans, aye; Kathleen LeMar, aye; Wayne Moore.

VARIANCE APPLICATION #2013-12-2

Lee asked Brian MacDonald to explain why he believes he needs a variance of 16'7" at the side/rear yard

Brian: Our structure comes in 54' Sections and if I cannot get the variance I would lose 6 spaces

Kevin: Do you pay a lease?

Brian: No, we pay Pilot Travel Center a percent of our sales

James Likley: Due to the fact that no one has protested, I would recommend the approval of the variance as asked. The conditional use sets higher standards and it has been duly noticed. There is not a potential impact on surrounding properties. The board should support this.

There was a discussion if this was a rear yard setback variance of 16'7" or a side yard setback variance of 66.5'. It was decided it would be a 66.5' side yard setback variance. The board discussed and found the following findings:

1. The conditional use in question **will not** yield a reasonable return and there **cannot** be a beneficial use of the property without the variance due to necessity of eliminating six (6) parking spaces
2. The variance is substantial due to the variance is 66.5' out of the 100 foot under the condition

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3. The essential character of the neighborhood **would not** be substantially altered and adjoining properties **would not** suffer a substantial detriment as a result of the variance because the area is already existing parking and there was not no adjacent owner objection as it is all zoned Highway Service Commercial District
4. The variance **would not** adversely affect the delivery of governmental services such as water or sewer.
5. **N/A**
6. The applicant's predicament feasibly **can** be obviated through some method other than a variance as the applicant could remove six (6) spaces becoming environmentally and economically detrimental.
7. The spirit and intent behind the zoning code **would** be observed and substantial justice **would** be done by granting the variance

Kathleen LeMar made a motion to grant the variance of 66.5' side yard setback as requested in Variance Application 2013-12-2 that a Practical Difficulty does exist and the variance only applies to the conditional use as applied for by Brian MacDonald, agent for Idle Air, seconded by Wayne Moore. Roll call: Lee Evans, aye; Patricia Kwas, aye; Wayne Moore, aye; Kevin Daugherty, aye; Kathleen LeMar, aye.

NOVEMBER 12, 2013 MINUTES

Kathleen made a motion to approve the November 12, 2013 meeting minutes as presented, seconded by Kevin Daugherty. Roll call: Lee Evans, aye; Kevin Daugherty, aye; Kathleen LeMar, aye.

Kevin made a motion to adjourn at 9:00 pm, seconded by Wayne Moore. Unanimous