

WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS

January 9, 2006 @ 7:30 p.m.

Organizational Meeting

Public Hearing

Application for Variance to Allow a Licensed Therapist
Applicant – TravelCenters of America and TheraTouch, Ltd.
8834 Lake Road, Seville, Ohio

Zoning Secretary Marlene Oiler called the meeting to order at 7:35 p.m. Roll call indicated five members of the Board of Zoning Appeals were present: Michael Schmidt, Larry Bensinger, Kevin Daugherty, Robert Gecking and Ron Oiler.

Others in attendance included Trustee Tim Kratzer, Zoning Commission member Jim Likley, Zoning Inspector Gary Harris, Dennis Gardner (8834 Lake Road), Efim Scherbakov (135 Brookrun Drive, Akron) and Thomas Katovsky (235505 Woodland, Cleveland). Assistant Prosecutor Trina Devanney was also present.

Nominations for the office of Chair for 2006 were opened. Kevin Daugherty nominated Mike Schmidt, seconded by Ron Oiler. There were no further nominations. The vote was unanimous and Mike Schmidt will be Chair for the year 2006. The meeting was turned over to the Chair. Chair Mike Schmidt called for nominations for the office of Vice Chair for 2006. Kevin Daugherty nominated Larry Bensinger, seconded by Robert Gecking. There were no further nominations. The vote was unanimous and Larry Bensinger will be Vice Chair for the year 2006.

A motion was made by Robert Gecking to re-adopt the Westfield Township Board of Zoning Appeals Rules of Procedure (adopted April 19, 1988 and amended April 2000). Ron Oiler seconded the motion and the vote was unanimous.

All members present reviewed, signed and turned in for the township records the following forms: Application for Zoning Appointment (updated), Westfield Township Employee Handbook, Westfield Township Policy Prohibiting Discrimination & Sexual Harassment, Westfield Township Policy on Drugs & Alcohol Abuse, IRS W-4. All members further verified their address, phone number and term of appointment. A copy of the Medina County Department of Planning Services 2006 Zoning Workshop and Activities Series flyer was distributed to all members.

MINUTES

Upon motion by Robert Gecking, duly seconded by Larry Bensinger, the November 30, 2005, minutes were unanimously approved and the December 12, 2005, minutes were unanimously approved with the following corrections – page 2, 1st paragraph, 4th line, 5th word should read “got” and page 2, 4th paragraph, 3rd line, 12th word should read “206 B.7.”

The following is a condensed summary of tonight’s meeting, which was recorded on audiotape.

PUBLIC HEARING – TravelCenters of America & TheraTouch, Ltd.

The public hearing in regard to the application submitted by TravelCenters of America and TheraTouch, Ltd. was opened. TravelCenters of America has applied for a variance to allow a licensed professional therapist to lease space and open a business in their facility at 8834 Lake Road.

Efim Scherbakov, LMT, LPTA, owner of TheraTouch, Ltd. was sworn in by the secretary. He is an Internationally Certified Massage Therapist, licensed in Russia and the USA. He has practiced massotherapy since 1984. He graduated from the International Massage School in Moscow, Russia. After coming to the USA in 1992 he graduated from Wellness Skills, Inc. in Dallas, Texas, and started his own massage business. In 1999 he became a licensed massage therapist in Ohio and in 2001 he received his Associate Degree in Massage Therapy from the Ohio College of Massotherapy. He owns his own business, TheraTouch, Ltd., and also teaches at the Ohio College of Massotherapy.

TheraTouch, Ltd. is known throughout Northeast Ohio for providing a variety of massage therapy services to satisfy the needs of their patients and corporate clients. It currently has business locations in Montrose and in Barberton and can provide early morning or late afternoon appointments. It is a certified provider by the Ohio Bureau of Workers' Compensation and numerous medical network groups. It specializes in professional therapy, stress management and wellness programs.

He states the benefits of massage are numerous and have been proven to promote many tangible results – physical, mental and emotional. Chair massage therapy can reduce the physical and mental effects of stress and sitting for long periods of time, improve alertness and immune system functioning, and relieve problems associated with repetitive tasks, headaches, backaches, eye and neck strain, and stiff and sore muscles. It's an option for those in high stress jobs, caregivers, physical workers, and those who spend a lot of time traveling. Chair massage doesn't require a special space, it's convenience as it is without oils and no need to change clothes, it lasts 10-20 minutes, is easy and safe, enjoyable and affordable and you feel better right way. His proposed schedule would be six days a week from 7 a.m. – 11 p.m. with hours subject to change based on volume of customers. He would also like to put a chiropractor table in the back of the room. He believes the service is greatly needed by those traveling and working in the transportation industry and it would also be available to local clients.

Dennis Gardner, General Manager of the Lake Road facility, was sworn in. TravelCenters of America are nationwide and we currently have facilities with chiropractors. We were impressed with his services, especially with Workers' Compensation and other medical care providers. T/A is a very family-oriented business. We were impressed with credentials and impressed with his business operations. The location would be in the back where an old phone room was. It is a large room approximately 12 x 14 with carpeting and a glass front. The room has a dividing wall but the massage chairs would be in open view of the public. There would be no outside signage, only an inside sign but we may use a temporary sign. I know everyone is concerned about bad apples but it is a legitimate business. We are a family-oriented business. I do a lot of travel and it's all over the country.

Thomas Katovsky was sworn in. I used to be a coach. I understand the benefits of massage. I co-founded the newspaper, Healthy Referral, and publish articles that endorsed TheraTouch, Ltd. I came here tonight to endorse his concept.

Gary Harris, zoning inspector, was sworn in. One of his patients did call me. He had an accident and had back problems and he stated Scherbakov has done a lot of good for his back. He called me and wanted me to make his statement since he was unable to appear in person – his name is Jeff Loffland. I did see the room at T/A; it's by the fuel desk in the back.

Tim Kratzer, township trustee, was sworn in. I don't travel much but I do sometimes travel by plane and there are massage therapists in airports. I myself have no problem with a licensed professional at the T/A facility.

Jim Likley was sworn in. He questioned if all the people who would be providing services there would be licensed. Efim Scherbakov stated that all have to pass a board that requires at least 18-24 months of education and all would be licensed therapists by the state of Ohio.

Chairman Schmidt stated it was a nice presentation and he has no problem with the services and qualifications but it is not a permitted use in our HC district. This type of business would fall under the LC district services. It would be a permitted use in an LC district. Other Board members also were concerned about the zoning code and whether it was a permitted use for the type of services requested. There was discussion about permitted uses, incidental uses and accessory uses. The Board was also concerned about what would happen if the business transferred to another party and/or if another truck stop wanted to offer similar services and how can something be structured that doesn't mushroom down the road. It was also indicated that if one checks the Internet, it's more common than one would think and such services are available at a lot of airports.

Other discussion issues:

- is it an accessory use to T/A;
- go under the most stringent definitions;
- define – entire practice;
- limit number of chairs;
- everything in clear view;
- no removal of clothing;
- table will not be allowed in closed area;
- T/A is going to have to say that it's professional;
- accessory use to the traveling public as we have seen these used in airports;
- all therapists to maintain a current license with the state of Ohio;
- as provided by T/A has to be maintained as a family friendly business;
- not a variance;
- not a permitted use.

Assistant Prosecutor Trina Devanney suggested that the board could check out the other business sites, check this location and possibly offer alternatives.

There was discussion about continuing the hearing. Larry Bensinger made a motion to continue the public hearing until Monday, January 23, 2006, at 7:30 p.m. Ron Oiler seconded the motion and the vote was unanimous to continue the hearing.

Larry Bensinger made a motion to hold a special workshop meeting on January 12, 2006, at 6:30 p.m. (or at an earlier date if possible). Kevin Daughtery seconded the motion and the vote was unanimous. It was noted that if alternatives would be available and acceptable to the applicants, then the meeting(s) could be canceled.

OLD BUSINESS:

Ryan Gregoire requested time to discuss his plan for the tree line by the soccer fields. He was sworn in for the record. The letter agreement that Medina Sod had with Joe Hanna states 10' tall trees on Hanna's property. However, we had to put 4' mounds on our property and put in 12-14' trees. I want to prune the trees down to approximately 6' so they will fill out better over the next couple of years. We also want to plant more shrubbery. North Coast Premier Soccer agreed to put it in but not all the way as requested by Joe Hanna. The plan is to prune down the trees, replace the dead trees and put in a 36" hedgerow along the back but only about one-half of the way. A hedge on NCPS property would provide better screening. I will put in a few pines and replace others. Pruning the current trees will help and fertilizing them will also make them healthier. Fall is better to do the work but spring is OK.

Assistant Prosecutor Devaney asked about the handwritten agreement between NCPS, Joe Hanna and Ryan's father. She suggested that they might want to seek an attorney about the contract. Second, I think Mr. Hanna has a right to hear the plans. The Board should schedule a meeting and advertise (to discuss proposed landscaping plans) and provide a courtesy copy to Joe Hanna. Rest it solely with the Board; take out the emotional aspect.

There was further discussion and it was decided that Ryan Gregoire would contact a landscape architect to provide a drawing with suggestions for the tree line. As soon as the plan is ready, the Board will be contacted and a meeting scheduled.

OTHER:

Upon the suggestion of Assistant Prosecutor Devanny, and with consent of the board, Robert Gecking made a motion to cancel the January 12, 2006, workshop meeting and hold the workshop immediately following the close of this meeting. Ron Oiler seconded the motion and the vote was unanimous.

The meeting was adjourned at 9:45 p.m.

Marlene L. Oiler, Certified PP, PLS
Westfield Township Board of Zoning Appeals Secretary

(Minutes approved 4/1/06)