

Westfield Township Board of Zoning Appeals

Public Hearing North Coast Premier Soccer Area Variances August 28, 2014

BZA Chair Daugherty calls the Public Hearing to order at 7:08 PM. Roll call: Simmerer- aye, Evans- aye, Daugherty- aye, Moore- aye, Miller- aye.

BZA Chair Daugherty announces that there is a quorum and the board will hear the area variance requested by North Coast Premier Soccer by Mike Sweeney of 7239 Forest Wood Drive, Independence Ohio 44131.

Sweeney provided the BZA with larger maps that were up to date and hi-lighted by Sweeney to show drives and property lines. Sweeney explained that he is in a present variance predicament because of the state taking some of their land for ODOT. This changed the NCPS property lines and drive ways. Per Assistant Prosecutor Bill Thorne, NCPS has requested variances so they would not be in violation of Westfield Township Zoning. Sweeney would like the board to know that they are not asking for anything different or new with the variances but are trying to be in compliance with the zoning code.

Daugherty asked about the last site plan and what did that cover.

Evans stated that there are no variances on the front parcel and Miller had issues with the vague map that did not seem up to date with how the property is presently. Miller said there were some land marks left from the map (barricades and designated parking area along with a ditch).

Sweeney added that they have always been parking on all parcels but the site-plan was for the building not for the outdoor fields and extra tournament parking.

Sweeney shows the board where the state created the problems and the state's drives that are now just a base. He also explains that Willy Corrosco (part owner of NCPS and owner of front parcel) have an easement agreement that his property may be used. There is a legal agreement for the shared parking that is on file with Bill Thorne.

Daugherty explains that one of the requested variances was to park within 10' of the property line and another variance for no added trees or bushes.

Sweeney explains that zoning code today is much different than 20 years ago and that there are enough trees on the property to cover the code's "1 tree for 10 parking spaces" required by the current zoning code. The parking on the soccer property is flexible so parents can sit in their cars and watch their kids play during increment weather.

Evans did point out that there was no parking in the access road and Sweeney said it is not used for soccer purposes.

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ZI Sims said that on 8-20-14 there is a dated site plan for NCPS and she provided a copy of the ZC meeting minutes from August 20, 2014. This site plan was to address some of the outstanding issues with the guidance of Bill Thorne. The previous zoning inspector (Matt Witmer) found NCPS in violation so Bill Thorne addressed these violations so they would be in compliance and have a new site plan submitted to the township. She also clarified that ODOT created a driving base and the board should address this issue.

Daugherty asked ZI Sims if that should be cleaned-up and should it be interpreted as two driveways?

ZI Sims said that physically on the site it is left over base from ODOT of an access road and it is not a complete entrance or exit for the soccer property. ZI Sims asked the BZA board to name the driveways and to mark on the large map (Exhibit C).

Miller marked the concrete barricades, old campground entrance and ditch on Exhibit C.

Moore asked for clarification regarding the road labeled entrance on the large maps. Sweeney said that the original road was the old campground entrance.

Daugherty would like to have the legal agreement on file with BZA or the township and Sweeney will provide this document to the township. He also mentioned that there are 3 different variance requests that reference 4 sections in the zoning code.

- 501 B Driveway on same lot (need variance to cross into another parcel of land)
- 510 B Driveway 10' from property line
- 505 B Driveway not paved
- 505 D Tree variance for parking spaces.

Duncan Factors: The board applied these factors to the NCPS variance application.

1. The property in question will yield a reasonable return and there can be beneficial use of the property without the variance. Simmerer mentioned that his growth (soccer tournaments) has put him into constant violation.
2. The variance is substantial. If he didn't have a drive on another property, he would not have to purchase another property just to have his driveway. Miller felt that it was substantial due to this reason whereas Moore felt the variance was not substantial because this has been the situation for many years. Evans was in agreement since there is an agreement with another property owner and the parking has been happening for many years. Evans was concerned if the campground was sold then the agreement would be void with NCPS and Corrosco and Moore mentioned that they would have to return once again for a variance.
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. No neighbors attended the public hearing and this practice has continued for the last 20 years.
4. The variance would not adversely affect the delivery of governmental services.

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5. The applicant purchased the property with knowledge of the zoning restriction. Corroscop purchased the campground and NCPS bought with the knowledge of this purchase, however, ODOT created an extension of the problem with their take-over of land.
6. The applicant's predicament feasibly can be obviated through some method other than a variance. Miller suggested the purchase of property and moving the drive but would not be cost effective.
7. The spirit and intent behind the zoning code would be observed and substantial justice would be done by granting the variance. Soccer is permitted in the zoning code.

Practical Difficulty does exist and a variance should be granted.

ZI Sims did mention to the board that Bill Thorne was unable to attend the public hearing and this decision could be made at a later date if counsel was needed. ZI Sims also stated that Evan's point is relevant about if the campground is sold and there would be no additional cost if another meeting was necessary after addressing with legal advice.

The board talked extensively about waving certain aspects of the variances; enough pine trees throughout the property for a buffer and waving the paved surface. Simmerer felt that the current bituminous surface was an equivalent surface to paving under the definition.

Daugherty suggested waving 505 B and 505 D and set conditions on 501 B to state that the drive could be on someone else's property as long as the original owners are in place and both businesses are under one contract.

ZI Sims said Corroscop owns a sliver of property that tournament attendees park on and the variance to park 10' from the property is mostly during large tournaments.

The board looked at how other properties may be impacted at a later date. Daugherty felt that the Sod Farm would not be impacted because it was on the other side of the ditch and the ditch was substantial.

Daugherty requested that Miller label the main entrance on Exhibit C.

The following are Exhibits:

Exhibit A- Original Oversized Map

Exhibit B- ZC meeting minutes and NCPS site plan approval from 2013

Exhibit C- Oversized Map with labels marked by BZA member John Miller

Evans makes a motion that the BZA Board will wave 501 B, 510 B, 505 B and 505 D for North Coast Premier Soccer provided that the agreement between Chippewa Valley Campground and NCPS remains intact or the waving of these sections will be null and void; seconded by Simmerer. Roll call: Evans- aye, Daugherty- aye, Moore- aye, Miller- aye, Simmerer. The motion passes.

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Moore makes a motion to close the public hearing proceedings at 8:00 PM; seconded by Evans. Roll Call: Daugherty- aye, Moore- aye, Miller- aye, Simmerer- aye, Evans- aye.

Daugherty opens the BZA regular meeting at 8:02 PM.

Meeting minute corrections were signed by BZA members.

New Business:

None

Evans makes a motion to adjourn at 8:05 PM; seconded by Moore. The vote was unanimous.

Respectfully Submitted by:

Cheryl Porter

Kevin Daugherty, BZA Chair

Wayne Moore, BZA Vice-Chair

Keith Simmerer, BZA Member

Lee Evans, BZA Member

John Miller, BZA Member

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